

## Calendar No. 178

103D CONGRESS  
1ST SESSION

# S. 1284

[Report No. 103-120]

To amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

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### IN THE SENATE OF THE UNITED STATES

JULY 23 (legislative day, JUNE 30), 1993

Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. JEFFORDS, Mr. METZENBAUM, Mr. SIMON, Mr. WELLSTONE, Mr. WOFFORD, Mr. PELL, Mr. DOLE, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

AUGUST 3 (legislative day, JUNE 30), 1993

Reported by Mr. KENNEDY, without amendment

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## A BILL

To amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated

programs, and projects of national significance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
 5 “Developmental Disabilities Assistance and Bill of Rights  
 6 Act Amendments of 1993”.

7 (b) **TABLE OF CONTENTS.**—The table of contents is  
 8 as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References.

**TITLE I—GENERAL PROVISIONS**

- Sec. 101. Title and part headings.
- Sec. 102. Findings and purposes.
- Sec. 103. Definitions.
- Sec. 104. Federal share.
- Sec. 105. Records and audits.
- Sec. 106. Recovery.
- Sec. 107. State control of operations.
- Sec. 108. Reports.
- Sec. 109. Responsibilities of the Secretary.
- Sec. 110. Employment of handicapped individuals.
- Sec. 111. Rights of the developmentally disabled.

**TITLE II—FEDERAL ASSISTANCE FOR PRIORITY AREA ACTIVITIES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES**

- Sec. 201. Part heading.
- Sec. 202. Purpose.
- Sec. 203. State plans.
- Sec. 204. Habilitation plans.
- Sec. 205. Councils.
- Sec. 206. State allotments.
- Sec. 207. Federal share and non-Federal share.
- Sec. 208. Payments to the States for planning, administration, and services.
- Sec. 209. Withholding of payments for planning, administration, and services.
- Sec. 210. Nonduplication.
- Sec. 211. Appeals by States.
- Sec. 212. Authorization of appropriations.
- Sec. 213. Review, analysis, and report.

### TITLE III—PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

- Sec. 301. Part heading.
- Sec. 302. Purpose.
- Sec. 303. System required.
- Sec. 304. Authorization of appropriations.

### TITLE IV—UNIVERSITY AFFILIATED PROGRAMS

- Sec. 401. Part heading.
- Sec. 402. Purpose.
- Sec. 403. Grant authority.
- Sec. 404. Applications.
- Sec. 405. Grant awards.
- Sec. 406. Authorization of appropriations and definition.

### TITLE V—PROJECTS OF NATIONAL SIGNIFICANCE

- Sec. 501. Part heading.
- Sec. 502. Purpose.
- Sec. 503. Grant authority.
- Sec. 504. Authorization of appropriations.

## 1 SEC. 2. REFERENCES.

2 Except as otherwise specifically provided, whenever in  
 3 this Act an amendment or repeal is expressed in terms  
 4 of an amendment to, or a repeal of, a section or other  
 5 provision, the reference shall be considered to be made to  
 6 a section or other provision of the Developmental Disabil-  
 7 ities Assistance and Bill of Rights Act (42 U.S.C. 6000  
 8 et seq.).

## 9 TITLE I—GENERAL PROVISIONS

### 10 SEC. 101. TITLE AND PART HEADINGS.

11 (a) TITLE.—The heading of title I of the Act is  
 12 amended to read as follows:

1 **“TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES”.**

2  
3  
4 (b) PART.—The heading of part A of title I of the  
5 Act is amended to read as follows:

6 **“PART A—GENERAL PROVISIONS”.**

7 **SEC. 102. FINDINGS AND PURPOSES.**

8 Section 101 (42 U.S.C. 6000) is amended to read as  
9 follows:

10 **“SEC. 101. FINDINGS, PURPOSES, AND POLICY.**

11 **“(a) FINDINGS.—**The Congress finds that—

12 **“(1)** in 1993 there are more than 3,000,000  
13 individuals with developmental disabilities in the  
14 United States;

15 **“(2)** disability is a natural part of the human  
16 experience and in no way diminishes the right of in-  
17 dividuals with developmental disabilities to live inde-  
18 pendently, enjoy self-determination, make choices,  
19 contribute to society, and experience full integration  
20 and inclusion in the economic, political, social, cul-  
21 tural, and educational mainstream of American soci-  
22 ety;

23 **“(3)** individuals with developmental disabilities  
24 continually encounter various forms of discrimina-  
25 tion in such critical areas as employment, housing,



1 public accommodations, education, transportation,  
2 communication, recreation, institutionalization,  
3 health services, voting, and public services;

4 “(4) there is a lack of public awareness of the  
5 capabilities and competencies of individuals with de-  
6 velopmental disabilities;

7 “(5) individuals whose disabilities occur during  
8 their developmental period frequently have severe  
9 disabilities that are likely to continue indefinitely;

10 “(6) individuals with developmental disabilities  
11 and their families often require specialized lifelong  
12 assistance, provided in a coordinated and culturally  
13 competent manner by many agencies, professionals,  
14 advocates, community representatives, and others to  
15 eliminate barriers and to meet the needs of such in-  
16 dividuals and their families;

17 “(7) a substantial portion of individuals with  
18 developmental disabilities and their families do not  
19 have access to appropriate support and services from  
20 generic and specialized service systems and remain  
21 unserved or underserved;

22 “(8) family members, friends, and members of  
23 the community can play a central role in enhancing  
24 the lives of individuals with developmental disabil-  
25 ities, especially when the family and community are

1 provided with the necessary services and supports;  
2 and

3 “(9) the goals of the Nation properly include  
4 the goal of providing individuals with developmental  
5 disabilities with the opportunities and support to—

6 “(A) make informed choices and decisions;

7 “(B) live in homes and communities in  
8 which such individuals can exercise their full  
9 rights and responsibilities as citizens;

10 “(C) pursue meaningful and productive  
11 lives;

12 “(D) contribute to their family, commu-  
13 nity, State, and Nation;

14 “(E) have interdependent friendships and  
15 relationships with others; and

16 “(F) achieve full integration and inclusion  
17 in society.

18 “(b) PURPOSE.—The purpose of this Act is to assure  
19 that individuals with developmental disabilities and their  
20 families have access to culturally competent services, sup-  
21 ports, and other assistance and opportunities that promote  
22 independence, productivity, and integration and inclusion  
23 into the community, through—

24 “(1) support to State Developmental Disabil-  
25 ities Councils in each State to promote, through sys-

temic change, capacity building, and advocacy, a consumer and family-centered, comprehensive system, and a coordinated array of services, supports, and other assistance for individuals with developmental disabilities and their families;

“(2) support to protection and advocacy systems in each State to protect the legal and human rights of individuals with developmental disabilities;

“(3) support to university affiliated programs to provide interdisciplinary preservice preparation of students and fellows, community service activities, and the dissemination of information and research findings; and

“(4) support to national initiatives to collect necessary data, provide technical assistance to State Developmental Disabilities Councils, protection, and advocacy systems and university affiliated programs, and support other nationally significant activities.

“(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be carried out in a manner consistent with the principles that—

“(1) individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of achieving independence,

1 productivity, and integration and inclusion into the  
2 community, and the provision of services, supports  
3 and other assistance can improve such individuals'  
4 ability to achieve independence, productivity, and in-  
5 tegration and inclusion;

6 “(2) individuals with developmental disabilities  
7 and their families are the primary decisionmakers  
8 regarding the services and supports such individuals  
9 and their families receive and play decisionmaking  
10 roles in policies and programs that affect the lives  
11 of such individuals and their families;

12 “(3) individuals with developmental disabilities  
13 and their families have competencies, capabilities  
14 and personal goals that should be recognized, sup-  
15 ported, and encouraged;

16 “(4) services, supports, and other assistance are  
17 provided in a manner that demonstrates respect for  
18 individual dignity, personal preferences, and cultural  
19 differences;

20 “(5) communities accept and support individ-  
21 uals with developmental disabilities and are enriched  
22 by the full and active participation and the contribu-  
23 tions by individuals with developmental disabilities  
24 and their families; and



“(6) individuals with developmental disabilities have opportunities and the necessary support to be included in community life, have interdependent relationships, live in homes and communities, and make contributions to their families, community, State, and Nation.”.

**SEC. 103. DEFINITIONS.**

Section 102 (42 U.S.C. 6001) is amended to read as follows:

**“SEC. 102. DEFINITIONS.**

“For purposes of this title:

“(1) **AMERICAN INDIAN CONSORTIUM.**—The term ‘American Indian Consortium’ means any confederation of two or more recognized American Indian tribes, created through the official action of each participating tribe, that has a combined total resident population of 150,000 enrolled tribal members and a contiguous territory of Indian lands in two or more States.

“(2) **ASSISTIVE TECHNOLOGY DEVICE.**—The term ‘assistive technology device’ means any item, piece of equipment, or product system, whether acquired commercially, modified or customized, that is used to increase, maintain, or improve functional ca-

1       pabilities of individuals with developmental disabili-  
2       ties.

3       “(3) ASSISTIVE TECHNOLOGY SERVICE.—The  
4       term ‘assistive technology service’ means any service  
5       that directly assists an individual with a developmen-  
6       tal disability in the selection, acquisition, or use, of  
7       an assistive technology device. Such term includes—

8               “(A) the evaluation of the needs of an indi-  
9               vidual with a developmental disability, including  
10              a functional evaluation of such individual in  
11              such individual’s customary environment;

12             “(B) purchasing, leasing, or otherwise pro-  
13             viding for the acquisition of assistive technology  
14             devices by an individual with a developmental  
15             disability;

16             “(C) selecting, designing, fitting, customiz-  
17             ing, adapting, applying, maintaining, repairing  
18             or replacing assistive technology devices;

19             “(D) coordinating and using other thera-  
20             pies, interventions, or services with assistive  
21             technology devices, such as those associated  
22             with existing education and rehabilitation plans  
23             and programs;

24             “(E) training or technical assistance for an  
25             individual with a developmental disability, or,

1       where appropriate, the family of an individual  
2       with a developmental disability; and

3               “(F) training or technical assistance for  
4       professionals (including individuals providing  
5       education and rehabilitation services), employ-  
6       ers, or other individuals who provide services to,  
7       employ, or are otherwise substantially involved  
8       in the major life functions of, an individual with  
9       developmental disabilities.

10       “(4) CHILD DEVELOPMENT ACTIVITIES.—The  
11       term ‘child development activities’ means such prior-  
12       ity area activities as will assist in the prevention,  
13       identification, and alleviation of developmental dis-  
14       abilities in children, including early intervention  
15       services.

16       “(5) COMMUNITY LIVING ACTIVITIES.—The  
17       term ‘community living activities’ means such prior-  
18       ity area activities as will assist individuals with de-  
19       velopmental disabilities to obtain and receive the  
20       supports needed to live in their family home or a  
21       home of their own with individuals of their choice  
22       and to develop supports in the community.

23       “(6) COMMUNITY SUPPORTS.—The term ‘com-  
24       munity supports’ means activities, services, supports,  
25       and other assistance designed to—

1           “(A) assist neighborhoods and commu-  
2           nities to be more responsive to the needs of in-  
3           dividuals with developmental disabilities and  
4           their families;

5           “(B) develop local networks that can pro-  
6           vide informal support; and

7           “(C) make communities accessible and en-  
8           able communities to offer their resources and  
9           opportunities to individuals with developmental  
10          disabilities and their families.

11       Such term includes community education, personal  
12       assistance services, vehicular and home modifica-  
13       tions, support at work, and transportation.

14       “(7) DEVELOPMENTAL DISABILITY.—The term  
15       ‘developmental disability’ means a severe, chronic  
16       disability of an individual 5 years of age or older  
17       that—

18           “(A) is attributable to a mental or physical  
19           impairment or combination of mental and phys-  
20           ical impairments;

21           “(B) is manifested before the individual at-  
22           tains age 22;

23           “(C) is likely to continue indefinitely;



“(D) results in substantial functional limitations in three or more of the following areas of major life activity—

“(i) self-care;

“(ii) receptive and expressive language;

“(iii) learning;

“(iv) mobility;

“(v) self-direction;

“(vi) capacity for independent living;

and

“(vii) economic self-sufficiency; and

“(E) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that are of lifelong or extended duration and are individually planned and coordinated,

except that such term, when applied to infants and young children means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

1           “(8) EARLY INTERVENTION SERVICES.—The  
2       term ‘early intervention services’ means services pro-  
3       vided to infants, toddlers, young children, and their  
4       families to—

5           “(A) enhance the development of infants,  
6       toddlers, and young children with disabilities  
7       and to minimize their potential for developmen-  
8       tal delay; and

9           “(B) enhance the capacity of families to  
10      meet the special needs of their infants, toddlers,  
11      and young children.

12          “(9) EMPLOYMENT ACTIVITIES.—The term  
13      ‘employment activities’ means such priority area ac-  
14      tivities as will increase the independence, productiv-  
15      ity, and integration and inclusion into the commu-  
16      nity of individuals with developmental disabilities in  
17      work settings.

18          “(10) FAMILY SUPPORT SERVICE.—The term  
19      ‘family support service’ means services, supports,  
20      and other assistance provided to families with mem-  
21      bers with developmental disabilities, that are de-  
22      signed to—

23           “(A) strengthen the family’s role as pri-  
24      mary caregiver;

1           “(B) prevent inappropriate out-of-the-home  
2           placement and maintain family unity; and

3           “(C) reunite families with members who  
4           have been placed out of the home.

5       Such term includes respite care, rehabilitation tech-  
6       nology, personal assistance services, parent training  
7       and counseling, support for elderly parents, vehicu-  
8       lar and home modifications, and assistance with ex-  
9       traordinary expenses associated with the needs of in-  
10      dividuals with developmental disabilities.

11       “(11) FEDERAL PRIORITY AREAS.—The term  
12      ‘Federal priority areas’ means community living ac-  
13      tivities, employment activities, child development ac-  
14      tivities, and system coordination and community  
15      education activities.

16       “(12) INDEPENDENCE.—The term ‘independ-  
17      ence’ means the extent to which individuals with de-  
18      velopmental disabilities exert control and choice over  
19      their own lives.

20       “(13) INDIVIDUAL SUPPORTS.—The term ‘indi-  
21      vidual supports’ means services, supports, and other  
22      assistance that enable an individual with a devel-  
23      opmental disability to be independent, productive, in-  
24      tegrated, and included into such individual’s commu-  
25      nity, and that are designed to—

1           “(A) enable such individual to control such  
2           individual’s environment, permitting the most  
3           independent life possible;

4           “(B) prevent placement into a more re-  
5           strictive living arrangement than is necessary;  
6           and

7           “(C) enable such individual to live, learn,  
8           work, and enjoy life in the community.

9           Such term includes personal assistance services, re-  
10          habilitation technology, vehicular and home modi-  
11          fications, support at work, and transportation.

12          “(14) INTEGRATION AND INCLUSION.—The  
13          term ‘integration and inclusion’, with respect to indi-  
14          viduals with developmental disabilities, means—

15               “(A) the use by individuals with devel-  
16               opmental disabilities of the same community re-  
17               sources that are used by and available to other  
18               citizens;

19               “(B) living in homes close to community  
20               resources, with regular contact with citizens  
21               without disabilities in their communities;

22               “(C) the full and active participation by in-  
23               dividuals with developmental disabilities in the  
24               same community activities and types of employ-  
25               ment as citizens without disabilities, and utili-



1 zation of the same community resources as citi-  
2 zens without disabilities, living, learning, work-  
3 ing, and enjoying life in regular contact with  
4 citizens without disabilities; and

5 “(D) having friendships and relationships  
6 with individuals and families of their own  
7 choosing.

8 “(15) NONPROFIT.—The term ‘nonprofit’  
9 means an agency, institution, or organization that is  
10 owned or operated by one or more corporations or  
11 associations, no part of the net earnings of which in-  
12 ures, or may lawfully inure, to the benefit of any pri-  
13 vate shareholder or individual.

14 “(16) OTHER ORGANIZATIONS.—The term  
15 ‘other organizations’ means those organizations that  
16 are not State agencies or nonprofit agencies, except  
17 such organizations may be consulting firms, inde-  
18 pendent proprietary businesses and providers, and  
19 local community groups not organizationally incor-  
20 porated, and that are interested in supporting indi-  
21 viduals with developmental disabilities.

22 “(17) PERSONAL ASSISTANCE SERVICES.—The  
23 term ‘personal assistance services’ means a range of  
24 services, provided by one or more individuals, de-  
25 signed to assist an individual with a disability to

1 perform daily living activities on or off a job that  
2 such individual would typically perform if such indi-  
3 vidual did not have a disability. Such services shall  
4 be designed to increase such individual's control in  
5 life and ability to perform everyday activities on or  
6 off such job.

7 “(18) PREVENTION.—The term ‘prevention’  
8 means activities that address the causes of devel-  
9 opmental disabilities and the exacerbation of func-  
10 tional limitations, such as activities that—

11 “(A) eliminate or reduce the factors that  
12 cause or predispose individuals to developmental  
13 disabilities or that increase the prevalence of  
14 developmental disabilities;

15 “(B) increase the early identification of ex-  
16 isting problems to eliminate circumstances that  
17 create or increase functional limitations; and

18 “(C) mitigate against the effects of devel-  
19 opmental disabilities throughout the individual's  
20 lifespan.

21 “(19) PRODUCTIVITY.—The term ‘productivity’  
22 means—

23 “(A) engagement in income-producing  
24 work that is measured by increased income, im-

proved employment status, or job advancement;  
or

“(B) engagement in work that contributes  
to a household or community.

“(20) PROTECTION AND ADVOCACY SYSTEM.—

The term ‘protection and advocacy system’ means a  
protection and advocacy system established in ac-  
cordance with section 142.

“(21) REHABILITATION TECHNOLOGY.—The

term ‘rehabilitation technology’ means the system-  
atic application of technologies, engineering meth-  
odologies, or scientific principles to meet the needs  
of, and address the barriers confronted by, individ-  
uals with developmental disabilities in areas that in-  
clude education, rehabilitation, employment, trans-  
portation, independent living, and recreation. Such  
term includes rehabilitation engineering, assistive  
technology devices, and assistive technology services.

“(22) SECRETARY.—The term ‘Secretary’

means the Secretary of Health and Human Services.

“(23) SERVICE COORDINATION ACTIVITIES.—

The term ‘service coordination activities’ (also re-  
ferred to as ‘case management activities’) means ac-  
tivities that assist and enable individuals with devel-  
opmental disabilities and their families to access

1 services, supports and other assistance, and  
2 includes—

3 “(A) the provision of information to indi-  
4 viduals with developmental disabilities and their  
5 families about the availability of services, sup-  
6 ports, and other assistance;

7 “(B) assistance in obtaining appropriate  
8 services, supports, and other assistance, which  
9 may include facilitating and organizing such as-  
10 sistance;

11 “(C) coordination and monitoring of serv-  
12 ices, supports, and other assistance provided  
13 singly or in combination to individuals with de-  
14 velopmental disabilities and their families to en-  
15 sure accessibility, continuity, and accountability  
16 of such assistance; and

17 “(D) follow-along services that ensure,  
18 through a continuing relationship, that the  
19 changing needs of individuals with developmen-  
20 tal disabilities and their families are recognized  
21 and appropriately met.

22 “(24) STATE.—The term ‘State’ includes, in  
23 addition to each of the several States of the United  
24 States, the District of Columbia, the Commonwealth  
25 of Puerto Rico, the United States Virgin Islands,



1 Guam, American Samoa, the Commonwealth of the  
2 Northern Mariana Islands, and the Republic of  
3 Palau (until the Compact of Free Association with  
4 Palau takes effect).

5 “(25) STATE DEVELOPMENTAL DISABILITIES  
6 COUNCIL.—The term ‘State Developmental Disabil-  
7 ities Council’ means a Council established under sec-  
8 tion 124.

9 “(26) STATE PRIORITY AREA.—The term ‘State  
10 priority area’ means priority area activities in an  
11 area considered essential by the State Developmental  
12 Disabilities Council.

13 “(27) SUPPORTED EMPLOYMENT.—The term  
14 ‘supported employment’ means competitive work in  
15 integrated work settings for individuals with devel-  
16 opmental disabilities—

17 “(A)(i) for whom competitive employment  
18 has not traditionally occurred; or

19 “(ii) for whom competitive employment has  
20 been interrupted or intermittent as a result of  
21 a severe disability; and

22 “(B) who, because of the nature and sever-  
23 ity of their disability, need intensive supported  
24 employment services or extended services in  
25 order to perform such work.

1           “(28) SYSTEM COORDINATION AND COMMUNITY  
2 EDUCATION ACTIVITIES.—The term ‘system coordi-  
3 nation and community education activities’ means  
4 activities that—

5           “(A) eliminate barriers to access and eligi-  
6 bility for services, supports, and other assist-  
7 ance;

8           “(B) enhance systems design, redesign,  
9 and integration, including the encouragement of  
10 the creation of local service coordination and in-  
11 formation and referral statewide systems;

12           “(C) enhance individual, family, and citi-  
13 zen participation and involvement; and

14           “(D) develop and support coalitions and  
15 individuals through training in self-advocacy,  
16 educating policymakers, and citizen leadership  
17 skills.

18           “(29) SYSTEMIC ADVOCACY.—The term ‘sys-  
19 temic advocacy’ means activities that identify, sup-  
20 port, and recommend improvements in the planning,  
21 design, redesign, structure, delivery, or funding of  
22 generic or specialized services and supports.

23           “(30) UNIVERSITY AFFILIATED PROGRAM.—  
24 The term ‘university affiliated program’ means a

1 university affiliated program established under sec-  
2 tion 152.”.

3 **SEC. 104. FEDERAL SHARE.**

4 Section 103 (42 U.S.C. 6002) is repealed.

5 **SEC. 105. RECORDS AND AUDITS.**

6 (a) SECTION HEADING.—Section 104 (42 U.S.C.  
7 6003) is amended—

8 (1) by striking “SEC. 104.”; and

9 (2) in the section heading, by striking  
10 “RECORDS AND AUDIT” and inserting the following  
11 new section heading:

12 **“SEC. 104. RECORDS AND AUDITS.”.**

13 (b) RECORDS AND AUDITS.—Section 104 (42 U.S.C.  
14 6003) is amended—

15 (1) in subsection (a)—

16 (A) by striking “Each” and inserting  
17 “RECORDS.—Each”;

18 (B) by striking “including” and inserting  
19 “including—”;

20 (C) by realigning the margins of subpara-  
21 graphs (A), (B), and (C) of paragraph (1) so  
22 as to align with the margins of subparagraphs  
23 (A) and (B) of paragraph (27) of section 102;

1 (D) by realigning the margins of para-  
2 graphs (1) and (2) so as to align with the mar-  
3 gin of paragraph (30) of section 102;

4 (E) in paragraph (1), by striking “dis-  
5 close” and inserting “disclose—”; and

6 (F) by striking the comma each place such  
7 appears and inserting a semicolon; and

8 (2) in subsection (b), by striking “The Sec-  
9 retary” and inserting “ACCESS.—The Secretary”.

10 **SEC. 106. RECOVERY.**

11 Section 105 (42 U.S.C. 6004) is repealed.

12 **SEC. 107. STATE CONTROL OF OPERATIONS.**

13 Section 106 (42 U.S.C. 6005) is amended—

14 (1) by striking “SEC. 106.”;

15 (2) in the section heading, by striking “STATE  
16 CONTROL OF OPERATIONS” and inserting the follow-  
17 ing new section heading:

18 **“SEC. 106. STATE CONTROL OF OPERATIONS.”;**

19 and

20 (3) by striking “facility for persons” and insert-  
21 ing “programs, services, and supports for individ-  
22 uals”.

23 **SEC. 108. REPORTS.**

24 (a) **SECTION HEADING.**—Section 107 (42 U.S.C.  
25 6006) is amended—



(1) by striking “SEC. 107.”; and

(2) in the section heading, by striking “REPORTS” and inserting the following new section heading:

**“SEC. 107. REPORTS.”.**

(b) REPORTS.—Section 107 (42 U.S.C. 6006) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph

(1)—

(i) by striking, “By January” and inserting “DEVELOPMENTAL DISABILITIES COUNCIL REPORTS.—By January”;

(ii) by striking “the State Planning Council of each State” and inserting “each State Developmental Disabilities Council”;

(iii) by striking “a report concerning” and inserting “a report of”; and

(iv) by striking “such report” and inserting “report”;

(B) in paragraph (1), by striking “of such activities” and all that follows through “from such activities” and inserting “of activities and accomplishments”;

(C) in paragraph (2)—

1 (i) by striking “such accomplish-  
 2 ments” and inserting “accomplishments”;  
 3 and

4 (ii) by striking “by the State”;  
 5 (D) in paragraph (4)—

6 (i) by striking “Planning” and insert-  
 7 ing “Developmental Disabilities”;

8 (ii) by striking “each” each place such  
 9 term appears;

10 (iii) by striking “report” and inserting  
 11 “reports”;

12 (iv) by striking “1902(a)(31)(C)” and  
 13 inserting “1902(a)(31)”;

14 (v) by striking “plan” and inserting  
 15 “plans”; and

16 (vi) by striking “; and” and inserting  
 17 a semicolon;

18 (E) by striking paragraph (5); and

19 (F) by adding at the end the following new  
 20 paragraphs:

21 “(5) a description of—

22 “(A) the trends and progress made in the  
 23 State concerning systemic change (including  
 24 policy reform), capacity building, advocacy, and  
 25 other actions on behalf of individuals with de-

1 velopmental disabilities, with attention to indi-  
2 viduals who are traditionally unserved and un-  
3 derserved, including individuals who are mem-  
4 bers of ethnic and racial minority groups, and  
5 individuals from underserved geographic areas;

6 “(B) systemic change, capacity building,  
7 and advocacy activities that affect individuals  
8 with disabilities other than developmental dis-  
9 abilities; and

10 “(C) a summary of actions taken to im-  
11 prove access and services for unserved and un-  
12 derserved groups;

13 “(6) a description of resources leveraged by ac-  
14 tivities directly attributable to State Developmental  
15 Disabilities Council actions; and

16 “(7) a description of the method by which the  
17 State Developmental Disabilities Council shall widely  
18 disseminate the annual report to affected constitu-  
19 encies as well as the general public and to assure  
20 that the report is available in accessible formats.”;

21 (2) in subsection (b)—

22 (A) by striking “By January” and insert-  
23 ing “PROTECTION AND ADVOCACY SYSTEM RE-  
24 PORTS.—By January”; and

1 (B) by inserting before the period “, in-  
 2 cluding a description of the system’s priorities  
 3 for such fiscal year, the process used to obtain  
 4 public input, the nature of such input, and how  
 5 such input was used”; and  
 6 (3) in subsection (c)—

7 (A) by realigning the margins of subpara-  
 8 graphs (A) and (B) of paragraph (1) so as to  
 9 align with the margins of subparagraph (C) of  
 10 such paragraph;

11 (B) by realigning the margins of para-  
 12 graphs (1) and (2) so as to align with the mar-  
 13 gin of paragraph (1) of subsection (a);

14 (C) by striking “(c)” and inserting “(c)  
 15 SECRETARY REPORTS.—”;

16 (D) by striking “(1) By” and inserting the  
 17 following:

18 “(1) IN GENERAL.—By”;

19 (E) in paragraph (1)—

20 (i) in subparagraph (B)—

21 (I) by striking “integration” each  
 22 place such term appears and inserting  
 23 “integration and inclusion”; and

24 (II) by striking “persons” and in-  
 25 serting “individuals”;



(ii) by striking subparagraph (C) and inserting the following new subparagraph:

“(C)(i) the trends and progress made in the States concerning systemic change (including policy reform), capacity building, advocacy, and other actions on behalf of individuals with developmental disabilities, with attention to individuals who are traditionally unserved and underserved, including individuals who are members of ethnic and racial minority groups, and individuals from underserved geographic areas;

“(ii) systemic change, capacity building, and advocacy activities that affect individuals with disabilities other than developmental disabilities; and

“(iii) a summary of actions taken to improve access and services for unserved and underserved groups;”; and

(iii) in subparagraph (D), by striking “persons” and inserting “individuals”; and (F) in paragraph (2)—

(i) by striking “use and include” and inserting “include and analyze”; and

(ii) by striking “to the Secretary”.

1 **SEC. 109. RESPONSIBILITIES OF THE SECRETARY.**

2 (a) SECTION HEADING.—Section 108 (42 U.S.C.  
3 6007) is amended—

4 (1) by striking “SEC. 108.”; and

5 (2) in the section heading, by striking “RE-  
6 SPONSIBILITIES OF THE SECRETARY” and inserting  
7 the following new section heading:

8 **“SEC. 108. RESPONSIBILITIES OF THE SECRETARY.”**

9 (b) RESPONSIBILITIES.—Section 108 (42 U.S.C.  
10 6007) is amended—

11 (1) in subsection (a), by striking “The Sec-  
12 retary” and inserting “REGULATIONS.—The Sec-  
13 retary”; and

14 (2) in subsection (b)—

15 (A) by striking “Within ninety” and in-  
16 serting “INTERAGENCY COMMITTEE.—Within  
17 90”; and

18 (B) by striking “Administration for Devel-  
19 opmental Disabilities” and inserting “Adminis-  
20 tration on Developmental Disabilities,”.

21 **SEC. 110. EMPLOYMENT OF HANDICAPPED INDIVIDUALS.**

22 (a) SECTION HEADING.—Section 109 (42 U.S.C.  
23 6008) is amended—

24 (1) by striking “SEC. 109.”; and

(2) in the section heading, by striking “EMPLOYMENT OF HANDICAPPED INDIVIDUALS” and inserting the following new section heading:

**“SEC. 109. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.”.**

(b) **EMPLOYMENT.**—Section 109 (42 U.S.C. 6008) is amended—

(1) by striking “handicapped individuals” and inserting “individuals with disabilities”;

(2) by striking “Act of” and inserting “Act of 1973”; and

(3) by striking “which govern” and all that follows through “subcontracts.” and inserting the following: “that govern employment—

“(1) by State rehabilitation agencies and community rehabilitation programs; and

“(2) under Federal contracts and subcontracts.”.

**SEC. 111. RIGHTS OF THE DEVELOPMENTALLY DISABLED.**

(a) **SECTION HEADING.**—Section 110 (42 U.S.C. 6009) is amended—

(1) by striking “SEC. 110.”; and

(2) in the section heading, by striking “RIGHTS OF THE DEVELOPMENTALLY DISABLED” and inserting the following new section heading:

1 **"SEC. 110. RIGHTS OF INDIVIDUALS WITH DEVELOPMEN-**  
2 **TAL DISABILITIES."**

3 (b) RIGHTS.—Section 110 (42 U.S.C. 6009) is  
4 amended—

5 (1) in the matter preceding paragraph (1) by  
6 striking "persons" and inserting "individuals";

7 (2) in paragraph (1), by striking "Persons" and  
8 inserting "Individuals";

9 (3) in paragraph (2)—

10 (A) by striking "a person" and inserting  
11 "an individual";

12 (B) by striking "the person" and inserting  
13 "the individual"; and

14 (C) by striking "the person's" and insert-  
15 ing "the individual's";

16 (4) in paragraph (3), by striking "persons"  
17 each place such term appears and inserting "individ-  
18 uals";

19 (5) in paragraph (4), by striking "persons"  
20 each place such term appears and inserting "individ-  
21 uals"; and

22 (6) in the matter after subparagraph (C), by  
23 striking "persons" each place such term appears and  
24 inserting "individuals".



**TITLE II—FEDERAL ASSISTANCE  
FOR PRIORITY AREA ACTIVITIES FOR INDIVIDUALS WITH  
DEVELOPMENTAL DISABILITIES**

**SEC. 201. PART HEADING.**

The heading of Part B of title I of the Act is amended to read as follows:

**“PART B—FEDERAL ASSISTANCE TO STATE  
DEVELOPMENTAL DISABILITIES COUNCILS”.**

**SEC. 202. PURPOSE.**

Section 121 (42 U.S.C. 6021) is amended to read as follows:

**“SEC. 121. PURPOSE.**

“The purpose of this part is to provide for allotments to support State Developmental Disabilities Councils in each State to promote, through systemic change, capacity building, and advocacy, the development of a consumer and family-centered, comprehensive system and a coordinated array of services, supports, and other assistance designed to achieve independence, productivity, and integration and inclusion into the community for individuals with developmental disabilities.”.

1   **SEC. 203. STATE PLANS.**

2           Section 122 (42 U.S.C. 6022) is amended to read as  
3 follows:

4   **"SEC. 122. STATE PLAN.**

5           “(a) IN GENERAL.—Any State desiring to take ad-  
6 vantage of this part shall have a State plan submitted to,  
7 and approved by, the Secretary under this section.

8           “(b) PLANNING CYCLE.—The plan under subsection  
9 (a) shall be reviewed annually and revised at least once  
10 every 3 years.

11          “(c) STATE PLAN REQUIREMENTS.—In order to be  
12 approved by the Secretary under this section, a State plan  
13 shall meet the requirements in paragraphs (1) through  
14 (5).

15           “(1) STATE COUNCIL.—The plan shall provide  
16 for the establishment and maintenance of a State  
17 Developmental Disabilities Council in accordance  
18 with section 124 and describe the membership of  
19 such Council.

20           “(2) DESIGNATED STATE AGENCY.—The plan  
21 shall identify the agency or office within the State  
22 designated to support the State Developmental Dis-  
23 abilities Council in accordance with this section and  
24 section 124(d).

25           “(3) COMPREHENSIVE REVIEW AND ANALY-  
26 SIS.—The plan shall contain a comprehensive review

1 and analysis of the extent to which services and sup-  
2 ports are available to, and the need for services and  
3 supports for, individuals with developmental disabili-  
4 ties and their families. Such review and analysis  
5 shall include—

6 “(A) a description of the services, supports  
7 and other assistance being provided to, or to be  
8 provided to, individuals with developmental dis-  
9 abilities and their families under other federally  
10 assisted State programs, plans, and policies  
11 that the State conducts and in which individ-  
12 uals with developmental disabilities are or may  
13 be eligible to participate, including programs re-  
14 lating to education, job training, vocational re-  
15 habilitation, public assistance, medical assist-  
16 ance, social services, child welfare, maternal  
17 and child health, aging, programs for children  
18 with special health care needs, children’s mental  
19 health, housing, transportation, technology,  
20 comprehensive health and mental health, and  
21 such other programs as the Secretary may  
22 specify;

23 “(B) a description of the extent to which  
24 agencies operating such other federally assisted  
25 State programs pursue interagency initiatives to

1 improve and enhance services, supports, and  
2 other assistance for individuals with devel-  
3 opmental disabilities; and

4 “(C) an examination of the provision, and  
5 the need for the provision, in the State of the  
6 four Federal priority areas and an optional  
7 State priority area, including—

8 “(i) an analysis of such Federal and  
9 State priority areas in relation to the de-  
10 gree of support for individuals with devel-  
11 opmental disabilities attributable to either  
12 physical impairment, mental impairment,  
13 or a combination of physical and mental  
14 impairments;

15 “(ii) an analysis of criteria for eligi-  
16 bility for services, including specialized  
17 services and special adaptation of generic  
18 services provided by agencies within the  
19 State, that may exclude individuals with  
20 developmental disabilities from receiving  
21 such services;

22 “(iii) consideration of the report con-  
23 ducted pursuant to section 124(e);

24 “(iv) consideration of the data col-  
25 lected by the State educational agency



1 under section 618 of the Individuals with  
2 Disabilities Education Act;

3 “(v) an analysis of services, assistive  
4 technology, or knowledge that may be un-  
5 available to assist individuals with devel-  
6 opmental disabilities;

7 “(vi) an analysis of existing and pro-  
8 jected fiscal resources;

9 “(vii) an analysis of any other issues  
10 identified by the State Developmental Dis-  
11 abilities Council; and

12 “(viii) the formulation of objectives in  
13 systemic change, capacity building, and ad-  
14 vocacy to address the issues described in  
15 clauses (i) through (v) for all subpopula-  
16 tions of individuals with developmental dis-  
17 abilities that may be identified by the  
18 State Developmental Disabilities Council.

19 “(4) PLAN OBJECTIVES.—The plan shall—

20 “(A) specify employment, and at the dis-  
21 cretion of the State, any or all of the three  
22 other Federal priority areas and an optional  
23 State priority area that are selected by the  
24 State Developmental Disabilities Council for  
25 such Council’s major systemic change, capacity

1 building, and advocacy activities to be ad-  
2 dressed during the plan period and describe the  
3 extent and scope of the Federal and State pri-  
4 ority areas that will be addressed under the  
5 plan in the fiscal year;

6 “(B) describe the specific 1-year and 3-  
7 year objectives to be achieved and include a list-  
8 ing of the programs, activities, and resources by  
9 which the State Developmental Disabilities  
10 Council will implement its systemic change, ca-  
11 pacity building, and advocacy agenda in se-  
12 lected priority areas, and set forth the non-Fed-  
13 eral share required to carry out each objective;  
14 and

15 “(C) establish a method for the periodic  
16 evaluation of the plan’s effectiveness in meeting  
17 the objectives described in subparagraph (B).

18 “(5) ASSURANCES.—The plan shall contain or  
19 be supported by the assurances described in sub-  
20 paragraphs (A) through (N), which are satisfactory  
21 to the Secretary.

22 “(A) USE OF FUNDS.—With respect to the  
23 funds paid to the State under section 125, the  
24 plan shall provide assurances that—

1                   “(i) such funds will be used to make  
2                   a significant contribution toward enhanc-  
3                   ing the independence, productivity, and in-  
4                   tegration and inclusion into the community  
5                   of individuals with developmental disabil-  
6                   ities in various political subdivisions of the  
7                   State;

8                   “(ii) such funds will be used to sup-  
9                   plement and to increase the level of funds  
10                  that would otherwise be made available for  
11                  the purposes for which Federal funds are  
12                  provided and not to supplant non-Federal  
13                  funds;

14                  “(iii) such funds will be used to com-  
15                  plement and augment rather than dupli-  
16                  cate or replace services for individuals with  
17                  developmental disabilities and their fami-  
18                  lies who are eligible for Federal assistance  
19                  under other State programs;

20                  “(iv) part of such funds will be made  
21                  available by the State to public or private  
22                  entities;

23                  “(v) not more than 25 percent of such  
24                  funds will be allocated to the agency des-  
25                  ignated under section 124(d) for service

1 demonstration by such agency and that  
2 such funds and demonstration services  
3 have been explicitly authorized by the  
4 State Developmental Disabilities Council;

5 “(vi) not less than 65 percent of the  
6 amount available to the State under sec-  
7 tion 125 shall be expended for activities in  
8 the Federal priority area of employment  
9 activities, and, at the discretion of the  
10 State, activities in any or all of the three  
11 other Federal priority areas and an op-  
12 tional State priority area; and

13 “(vii) the remainder of the amount  
14 available to the State from allotments  
15 under section 125 (after making expendi-  
16 tures required by clause (vi)) shall be used  
17 for the planning, coordination, administra-  
18 tion, and implementation of priority area  
19 activities, and other activities relating to  
20 systemic change, capacity building, and ad-  
21 vocacy to implement the responsibilities of  
22 the State Developmental Disabilities Coun-  
23 cil pursuant to section 124(c).

24 “(B) STATE FINANCIAL PARTICIPATION.—  
25 The plan shall provide assurances that there



1 will be reasonable State financial participation  
2 in the cost of carrying out the State plan.

3 “(C) CONFLICT OF INTEREST.—The plan  
4 shall provide assurances that the State Devel-  
5 opmental Disabilities Council has approved con-  
6 flict of interest policies as of October 1, 1994,  
7 to ensure that no member of such Council shall  
8 cast a vote on any matter that would provide  
9 direct financial benefit to the member or other-  
10 wise give the appearance of a conflict of inter-  
11 est.

12 “(D) URBAN AND RURAL POVERTY  
13 AREAS.—The plan shall provide assurances that  
14 special financial and technical assistance shall  
15 be given to organizations that provide services,  
16 supports, and other assistance to individuals  
17 with developmental disabilities who live in areas  
18 designated as urban or rural poverty areas.

19 “(E) PROGRAM STANDARDS.—The plan  
20 shall provide assurances that programs,  
21 projects, and activities assisted under the plan,  
22 and the buildings in which such programs,  
23 projects, and activities are operated, will meet  
24 standards prescribed by the Secretary in regula-

1           tion and all applicable Federal and State acces-  
2           sibility standards.

3           “(F) INDIVIDUALIZED SERVICES.—The  
4           plan shall provide assurances that any direct  
5           services provided to individuals with devel-  
6           opmental disabilities and funded under this  
7           plan will be provided in an individualized man-  
8           ner, consistent with unique strengths, resources,  
9           priorities, concerns, abilities and capabilities of  
10          an individual.

11          “(G) HUMAN RIGHTS.—The plan shall pro-  
12          vide assurances that the human rights of all in-  
13          dividuals with developmental disabilities (espe-  
14          cially those individuals without familial protec-  
15          tion) who are receiving services under programs  
16          assisted under this part will be protected con-  
17          sistent with section 110 (relating to rights of  
18          individuals with developmental disabilities).

19          “(H) MINORITY PARTICIPATION.—The  
20          plan shall provide assurances that the State has  
21          taken affirmative steps to assure that participa-  
22          tion in programs under this part is geographi-  
23          cally representative of the State, and reflects  
24          the diversity of the State with respect to race  
25          and ethnicity.

1           “(I) INTERMEDIATE CARE FACILITY FOR  
2           THE MENTALLY RETARDED SURVEY RE-  
3           PORTS.—The plan shall provide assurances that  
4           the State will provide the State Developmental  
5           Disabilities Council with a copy of each annual  
6           survey report and plan of corrections for cited  
7           deficiencies prepared pursuant to section  
8           1902(a)(31) of the Social Security Act with re-  
9           spect to any intermediate care facility for the  
10          mentally retarded in such State not less than  
11          30 days after the completion of each such re-  
12          port or plan.

13          “(J) VOLUNTEERS.—The plan shall pro-  
14          vide assurances that the maximum utilization of  
15          all available community resources including vol-  
16          unteers serving under the Domestic Volunteer  
17          Service Act of 1973 and other appropriate vol-  
18          untary organizations will be provided for, except  
19          that such volunteer services shall supplement,  
20          and shall not be in lieu of, services of paid  
21          employees.

22          “(K) EMPLOYEE PROTECTIONS.—The plan  
23          shall provide assurances that fair and equitable  
24          arrangements (as determined by the Secretary  
25          after consultation with the Secretary of Labor)

1 will be provided to protect the interests of em-  
2 ployees affected by actions under the plan to  
3 provide community living activities, including  
4 arrangements designed to preserve employee  
5 rights and benefits and to provide training and  
6 retraining of such employees where necessary  
7 and arrangements under which maximum ef-  
8 forts will be made to guarantee the employment  
9 of such employees.

10 “(L) STAFF ASSIGNMENTS.—The plan  
11 shall provide assurances that the staff and  
12 other personnel of the State Developmental Dis-  
13 abilities Council, while working for the Council,  
14 are responsible solely for assisting the Council  
15 in carrying out its duties under this part and  
16 are not assigned duties by the designated State  
17 agency or any other agency or office of the  
18 State.

19 “(M) NONINTERFERENCE.—The plan shall  
20 provide assurances that the designated State  
21 agency or other office of the State will not  
22 interfere with systemic change, capacity build-  
23 ing, and advocacy activities, budget, personnel,  
24 State plan development, or plan implementation  
25 of the State Developmental Disabilities Council.



“(N) OTHER ASSURANCES.—The plan shall contain such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this part.

“(d) PUBLIC REVIEW, SUBMISSION, AND APPROVAL.—

“(1) PUBLIC REVIEW.—The plan shall be made available for public review and comment with appropriate and sufficient notice in accessible formats and take into account and respond to significant suggestions, as prescribed by the Secretary in regulation.

“(2) CONSULTATION WITH THE DESIGNATED STATE AGENCY.—Before the plan is submitted to the Secretary, the State Developmental Disabilities Council shall consult with the designated State agency to ensure that the State plan is consistent with State law and to obtain appropriate State plan assurances.

“(3) PLAN APPROVAL.—The Secretary shall approve any State plan and annual updates of such plan that comply with the provisions of subsections (a), (b), and (c). The Secretary may not finally disapprove a State plan except after providing reason-

1       able notice and an opportunity for a hearing to the  
2       State.”.

3   **SEC. 204. HABILITATION PLANS.**

4       Section 123 (42 U.S.C. 6023) is repealed.

5   **SEC. 205. COUNCILS.**

6       Section 124 (42 U.S.C. 6024) is amended to read as  
7       follows:

8   **“SEC. 124. STATE DEVELOPMENTAL DISABILITIES COUN-**  
9       **CILS AND DESIGNATED STATE AGENCIES.**

10       “(a) IN GENERAL.—Each State that receives assist-  
11       ance under this part shall establish and maintain a State  
12       Developmental Disabilities Council (hereafter in this sec-  
13       tion referred to as the ‘Council’) to conduct systemic  
14       change, capacity building, and advocacy activities on be-  
15       half of all individuals with developmental disabilities. The  
16       Council shall have the authority to fulfill its responsibil-  
17       ities described in subsection (c).

18       “(b) COUNCIL MEMBERSHIP.—

19       “(1) COUNCIL APPOINTMENTS.—The members  
20       of the Council of a State shall be appointed by the  
21       Governor of the State from among the residents of  
22       that State. The Governor shall select members of the  
23       Council, at his or her discretion, after soliciting rec-  
24       ommendations from organizations representing a  
25       broad range of individuals with developmental dis-

1 abilities and individuals interested in individuals  
2 with developmental disabilities, including the non-  
3 State agency members of the Council. The Council  
4 shall coordinate Council and public input to the Gov-  
5 ernor regarding all recommendations. To the extent  
6 feasible, the membership of the Council shall be geo-  
7 graphically representative of the State and reflect  
8 the diversity of the State with respect to race and  
9 ethnicity.

10 “(2) MEMBERSHIP ROTATION.—The Governor  
11 shall make appropriate provisions to rotate the mem-  
12 bership of the Council. Such provisions shall allow  
13 members to continue to serve on the Council until  
14 such members’ successors are appointed. The Coun-  
15 cil shall notify the Governor and the Secretary, and  
16 the Secretary shall contact the Governor regarding  
17 membership requirements, when vacancies remain  
18 unfilled for a significant period of time.

19 “(3) REPRESENTATION OF AGENCIES AND OR-  
20 GANIZATIONS.—Each Council shall at all times in-  
21 clude representatives of the principal State agencies  
22 (including the State agencies that administer funds  
23 provided under the Rehabilitation Act of 1973, the  
24 Individuals with Disabilities Education Act, the  
25 Older Americans Act, and title XIX of the Social Se-

1 security Act), institutions of higher education, each  
2 university affiliated program in the State established  
3 under part D, the State protection and advocacy  
4 system established under part C, and local agencies,  
5 nongovernmental agencies, and private nonprofit  
6 groups concerned with services for individuals with  
7 developmental disabilities in the State in which such  
8 agencies and groups are located. Such representa-  
9 tives shall—

10 “(A) have sufficient authority to engage in  
11 policy planning and implementation on behalf of  
12 the department, agency, or program such rep-  
13 resentatives represent; and

14 “(B) recuse themselves from any discus-  
15 sion of grants or contracts for which such rep-  
16 resentatives’ departments, agencies, or pro-  
17 grams are grantees or applicants and comply  
18 with the conflict of interest policies required  
19 under section 122(c)(5)(C).

20 “(4) REPRESENTATION OF INDIVIDUALS WITH  
21 DEVELOPMENTAL DISABILITIES.—Not less than 50  
22 percent of the membership of each Council shall con-  
23 sist of individuals who are—

24 “(A)(i) individuals with developmental dis-  
25 abilities;



1           “(ii) parents or guardians of children with  
2       developmental disabilities; or

3           “(iii) immediate relatives or guardians of  
4       adults with mentally impairing developmental  
5       disabilities who cannot advocate for themselves;  
6       and

7           “(B) not employees of a State agency that  
8       receives funds or provides services under this  
9       part, and who are not managing employees (as  
10      defined in section 1126(b) of the Social Secu-  
11      rity Act) of any other entity that receives funds  
12      or provides services under this part.

13          “(5) COMPOSITION OF MEMBERSHIP WITH DE-  
14      VELOPMENTAL DISABILITIES.—Of the members of  
15      the Council described in paragraph (4)—

16          “(A) one-third shall be individuals with de-  
17      velopmental disabilities as described in para-  
18      graph (4)(A)(i);

19          “(B) one-third shall be parents of children  
20      with developmental disabilities as described in  
21      paragraph (4)(A)(ii), or immediate relatives or  
22      guardians of adults with mentally impairing de-  
23      velopmental disabilities as described in para-  
24      graph (4)(A)(iii); and

1           “(C) one-third shall be a combination of  
2           individuals described in paragraph (4)(A).

3           “(6) INSTITUTIONALIZED INDIVIDUALS.—Of  
4           the members of the Council described in paragraph  
5           (5), at least one shall be an immediate relative or  
6           guardian of an institutionalized or previously institu-  
7           tionalized individual with a developmental disability  
8           or an individual with a developmental disability who  
9           resides or previously resided in an institution. This  
10          paragraph shall not apply with respect to a State if  
11          such an individual does not reside in that State.

12          “(c) COUNCIL RESPONSIBILITIES.—A Council,  
13          through Council members, staff, consultants, contractors,  
14          or subgrantees, shall have the responsibilities described in  
15          paragraphs (1) through (11).

16          “(1) SYSTEMIC CHANGE, CAPACITY BUILDING,  
17          AND ADVOCACY.—The Council shall serve as an ad-  
18          vocate for individuals with developmental disabilities  
19          and conduct programs, projects, and activities that  
20          carry out the purpose under section 121.

21          “(2) EXAMINATION OF PRIORITY AREAS.—Not  
22          less than once every 3 years, the Council shall exam-  
23          ine the provision of and need for the four Federal  
24          priority areas and an optional State priority area to  
25          address, on a statewide and comprehensive basis, ur-

gent needs for services, supports, and other assistance for individuals with developmental disabilities and their families, pursuant to section 122.

“(3) STATE PLAN DEVELOPMENT.—The Council shall develop and submit to the Secretary the State plan required under section 122 after consultation with the designated State agency under the State plan. Such consultation shall be solely for the purposes of obtaining State assurances and ensuring consistency of the plan with State law.

“(4) STATE PLAN IMPLEMENTATION.—The Council shall implement the State plan by conducting and supporting the Federal priority area of employment, not less than one of the remaining three Federal priority areas, and an optional State priority area as defined in section 102, through systemic change, capacity building, and advocacy activities such as those described in subparagraphs (A) through (K).

“(A) DEMONSTRATION OF NEW APPROACHES.—The Council may conduct, on a time-limited basis, the demonstration of new approaches to enhance the independence, productivity, and integration and inclusion into the community of individuals with developmental

1 disabilities. This may include making successful  
2 demonstrations generally available through  
3 sources of funding other than funding under  
4 this part, and may also include assisting those  
5 conducting such successful demonstration ac-  
6 tivities to develop strategies for securing fund-  
7 ing from other sources.

8 “(B) OUTREACH.—The Council may con-  
9 duct activities to reach out to assist and enable  
10 individuals with developmental disabilities and  
11 their families who otherwise might not come to  
12 the attention of the Council to obtain services,  
13 supports, and other assistance, including access  
14 to special adaptation of generic services or spe-  
15 cialized services.

16 “(C) TRAINING.—The Council may con-  
17 duct training for individuals with developmental  
18 disabilities, their families, and personnel (in-  
19 cluding professionals, paraprofessionals, stu-  
20 dents, volunteers, and other community mem-  
21 bers) to enable such individuals to obtain access  
22 to, or to provide, services, supports and other  
23 assistance, including special adaptation of ge-  
24 neric services or specialized services for individ-  
25 uals with developmental disabilities and their



families. To the extent that training activities are provided, such activities shall be designed to promote the empowerment of individuals with developmental disabilities and their families.

“(D) SUPPORTING COMMUNITIES.—The Council may assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families by encouraging local networks to provide informal and formal supports and enabling communities to offer such individuals and their families access, resources, and opportunities.

“(E) INTERAGENCY COLLABORATION AND COORDINATION.—The Council may promote interagency collaboration and coordination to better serve, support, assist, or advocate for individuals with developmental disabilities and their families.

“(F) COORDINATION WITH RELATED COUNCILS, COMMITTEES, AND PROGRAMS.—The Council may conduct activities to enhance coordination with—

“(i) other councils or committees, authorized by Federal or State statute, concerning such individuals with disabilities

1 (such as the State Interagency Coordinat-  
2 ing Council under part H of the Individ-  
3 uals with Disabilities Education Act, the  
4 State Rehabilitation Advisory Council and  
5 the Statewide Independent Living Council  
6 under the Rehabilitation Act of 1973, the  
7 State Mental Health Planning Council  
8 under part B of title XIX of the Public  
9 Health Service Act and other similar coun-  
10 cils or committees);

11 “(ii) parent training and information  
12 centers under part D of the Individuals  
13 with Disabilities Education Act and other  
14 federally funded projects that assist par-  
15 ents of children with disabilities; and

16 “(iii) other groups interested in sys-  
17 temic change, capacity building, and advo-  
18 cacy for individuals with disabilities.

19 “(G) BARRIER ELIMINATION, SYSTEMS DE-  
20 SIGN, AND CITIZEN PARTICIPATION.—The  
21 Council may conduct activities to eliminate bar-  
22 riers, enhance systems design and redesign, and  
23 enhance citizen participation to address issues  
24 identified in the State plan.

1       “(H) PUBLIC EDUCATION AND COALITION  
2       DEVELOPMENT.—The Council may conduct ac-  
3       tivities to educate the public about the capabili-  
4       ties, preferences, and needs of individuals with  
5       developmental disabilities and their families and  
6       to develop and support coalitions that support  
7       the policy agenda of the Council, including  
8       training in self-advocacy, educating policy-  
9       makers, and citizen leadership skills.

10       “(I) INFORMING POLICYMAKERS.—The  
11       Council may provide information to Federal,  
12       State, and local policymakers, including the  
13       Congress, the Federal executive branch, the  
14       Governor, State legislature, and State agencies,  
15       in order to increase the ability of such policy-  
16       makers to offer opportunities and to enhance or  
17       adapt generic services or provide specialized  
18       services to individuals with developmental dis-  
19       abilities and their families by conducting stud-  
20       ies and analyses, gathering information, and de-  
21       veloping and disseminating model policies and  
22       procedures, information, approaches, strategies,  
23       findings, conclusions, and recommendations.

1                   “(J) PREVENTION.—The Council may con-  
2                   duct prevention activities as defined in section  
3                   102.

4                   “(K) OTHER ACTIVITIES.—The Council  
5                   may conduct other systemic change, capacity  
6                   building, and advocacy activities to expand and  
7                   enhance the independence, productivity, and in-  
8                   tegration and inclusion into the community of  
9                   individuals with developmental disabilities  
10                  throughout the State on a comprehensive basis.

11                  “(5) STATE PLAN MONITORING.—Not less than  
12                  once each year, the Council shall monitor, review,  
13                  and evaluate the implementation and effectiveness of  
14                  the State plan in meeting such plan’s objectives.

15                  “(6) REVIEW OF DESIGNATED STATE AGEN-  
16                  CY.—The Council shall periodically review the appro-  
17                  priateness of the designated State agency and make  
18                  any recommendations for change to the Governor.

19                  “(7) REPORTS.—The Council shall submit to  
20                  the Secretary, through the Governor, periodic re-  
21                  ports on its activities as the Secretary may reason-  
22                  ably request, and keep such records and afford such  
23                  access thereto as the Secretary finds necessary to  
24                  verify such reports.



1           “(8) BUDGET.—Each Council shall prepare, ap-  
2       prove, and implement a budget using amounts paid  
3       to the State under this part to fund and implement  
4       all programs, projects, and activities under this part  
5       including—

6           “(A) conducting such hearings and forums  
7       as the Council may determine to be necessary  
8       to carry out the duties of the Council, reimburs-  
9       ing Council members of the Council for reason-  
10      able and necessary expenses for attending  
11      Council meetings and performing Council duties  
12      (including child care and personal assistance  
13      services), paying compensation to a member of  
14      the Council, if such member is not employed or  
15      must forfeit wages from other employment, for  
16      each day such member is engaged in performing  
17      the duties of the Council, supporting Council  
18      member and staff travel to authorized training  
19      and technical assistance activities including in-  
20      service training and leadership development,  
21      and appropriate subcontracting activities;

22           “(B) hiring and maintaining sufficient  
23      numbers and types of staff (qualified by train-  
24      ing and experience) and obtaining the services  
25      of such professional, consulting, technical, and

1        clerical personnel (qualified by training and ex-  
2        perience), consistent with State law, as the  
3        Council determines to be necessary to carry out  
4        its functions under this part, except that such  
5        State shall not apply hiring freezes, reductions  
6        in force, prohibitions on staff travel, or other  
7        policies that negatively affect the provision of  
8        staff support of the Council; and

9        “(C) directing the expenditure of funds for  
10       grants, contracts, interagency agreements that  
11       are binding contracts, and other activities au-  
12       thorized by the approved State plan.

13       “(9) STAFF HIRING AND SUPERVISION.—A  
14       Council shall, consistent with State law, recruit and  
15       hire a Director of the Council, should the position of  
16       Director become vacant, and supervise and annually  
17       evaluate the Director. The Director shall hire, super-  
18       vise, and annually evaluate the staff of the Council.  
19       Council recruitment and hiring of staff shall be con-  
20       sistent with Federal and State nondiscrimination  
21       laws. Dismissal of personnel shall be for cause only,  
22       based on documented performance evaluations and  
23       consistent with State law and personnel policies.  
24       Council directors and staff who are exempt from

1 State personnel policies may be dismissed based only  
2 on documented performance criteria.

3 “(10) STAFF ASSIGNMENTS.—The staff and  
4 other personnel, while working for the Council, shall  
5 be responsible solely for assisting the Council in car-  
6 rying out its duties under this part and shall not be  
7 assigned duties by the designated State agency or  
8 any other agency or office of the State.

9 “(11) CONSTRUCTION.—Nothing in this part  
10 shall be construed to preclude a Council from engag-  
11 ing in systemic change, capacity building, and advo-  
12 cacy activities for individuals with disabilities other  
13 than developmental disabilities, where appropriate.

14 “(d) DESIGNATED STATE AGENCY.—

15 “(1) IN GENERAL.—Each State that receives  
16 assistance under this part shall designate the State  
17 agency that shall, on behalf of the State, provide  
18 support to the Council. After the date of enactment  
19 of the Developmental Disabilities Assistance and Bill  
20 of Rights Act Amendments of 1993, any designation  
21 of a State agency shall be made in accordance with  
22 the requirements of this subsection.

23 “(2) DESIGNATION.—

1           “(A) TYPE OF AGENCY.—Except as pro-  
2           vided in this subsection, the designated State  
3           agency shall be—

4                   “(i) the Council if such Council may  
5                   be the designated State agency under the  
6                   laws of the State;

7                   “(ii) a State agency that does not pro-  
8                   vide or pay for services made available to  
9                   individuals with developmental disabilities;  
10                  or

11                  “(iii) a State office, including the im-  
12                  mediate office of the Governor of the State  
13                  or a State planning office.

14           “(B) CONDITIONS FOR CONTINUATION OF  
15           STATE SERVICE AGENCY DESIGNATION.—

16                   “(i) DESIGNATION BEFORE ENACT-  
17                   MENT.—If a State agency that provides or  
18                   pays for services for individuals with devel-  
19                   opmental disabilities was a designated  
20                   State agency for purposes of this part on  
21                   the date of enactment of the Developmen-  
22                   tal Disabilities Assistance and Bill of  
23                   Rights Act Amendments of 1993, and the  
24                   Governor of the State (or legislature,  
25                   where appropriate and in accordance with



1 State law) determines prior to June 30,  
2 1994, not to change the designation of  
3 such agency, such agency may continue to  
4 be a designated State agency for purposes  
5 of this part.

6 “(ii) CRITERIA FOR CONTINUED DES-  
7 IGNATION.—The determination at the dis-  
8 cretion of the Governor (or legislature as  
9 the case may be) shall consider the com-  
10 ments and recommendations of the general  
11 public and a majority of the non-State  
12 agency members of the Council with re-  
13 spect to the designation of such State  
14 agency, and after the Governor (or legisla-  
15 ture as the case may be) has made an  
16 independent assessment that the designa-  
17 tion of such agency shall not interfere with  
18 the budget, personnel, priorities, or other  
19 action of the Council, and the ability of the  
20 Council to serve as an advocate for individ-  
21 uals with developmental disabilities.

22 “(C) REVIEW OF DESIGNATION.—After  
23 October 1, 1993, the Council may request a re-  
24 view of the designation of the designated State  
25 agency by the Governor (or legislature as the

1 case may be). The Council shall provide docu-  
2 mentation concerning the reason the Council  
3 desires a change to be made and make a rec-  
4 ommendation to the Governor (or legislature as  
5 the case may be) regarding a preferred des-  
6 ignated State agency.

7 “(D) APPEAL OF DESIGNATION.—After the  
8 review is completed under subparagraph (C), a  
9 majority of the non-State agency members of  
10 the Council may appeal to the Secretary for a  
11 review of the designation of the designated  
12 State agency if Council independence as an ad-  
13 vocate is not assured because of the actions or  
14 inactions of the designated State agency.

15 “(3) RESPONSIBILITIES.—The designated State  
16 agency shall, on behalf of the State, have the respon-  
17 sibilities described in subparagraphs (A) through  
18 (F).

19 “(A) SUPPORT SERVICES.—The designated  
20 State agency shall provide required assurances  
21 and support services as requested by and nego-  
22 tiated with the Council.

23 “(B) FISCAL RESPONSIBILITIES.—The  
24 designated State agency shall—

1                   “(i) receive, account for, and disperse  
2                   funds under this part based on the State  
3                   plan required in section 122; and

4                   “(ii) provide for such fiscal control  
5                   and fund accounting procedures as may be  
6                   necessary to assure the proper disperse-  
7                   ment of, and accounting for, funds paid to  
8                   the State under this part.

9                   “(C) RECORDS, ACCESS, AND FINANCIAL  
10                  REPORTS.—The designated State agency shall  
11                  keep such records and afford access thereto as  
12                  the Secretary and the Council determine nec-  
13                  essary. The designated State agency, if other  
14                  than the Council, shall provide timely financial  
15                  reports at the request of the Council regarding  
16                  the status of expenditures, obligations, liquida-  
17                  tion, and the Federal and non-Federal share.

18                  “(D) NON-FEDERAL SHARE.—The des-  
19                  ignated State agency, if other than the Council,  
20                  shall provide the required non-Federal share de-  
21                  fined in section 125A(c).

22                  “(E) ASSURANCES.—The designated State  
23                  agency shall assist the Council in obtaining the  
24                  appropriate State plan assurances and in ensur-  
25                  ing that the plan is consistent with State law.

1           “(F) MEMORANDUM OF UNDERSTAND-  
2           ING.—On the request of the Council, the des-  
3           ignated State agency shall enter into a memo-  
4           randum of understanding with the Council de-  
5           lineating the roles and responsibilities of the  
6           designated State agency.

7           “(4) USE OF FUNDS FOR DESIGNATED STATE  
8           AGENCY RESPONSIBILITIES.—

9           “(A) NECESSARY EXPENDITURES OF  
10          STATE DESIGNATED AGENCY.—At the request  
11          of any State, a portion of any allotment or al-  
12          lotments of such State under this part for any  
13          fiscal year shall be available to pay up to one-  
14          half (or the entire amount if the Council is the  
15          designated State agency) of the expenditures  
16          found necessary by the Secretary for the proper  
17          and efficient exercise of the functions of the  
18          State designated agency, except that not more  
19          than 5 percent of the total of the allotments of  
20          such State for any fiscal year, or \$50,000,  
21          whichever is less, shall be made available for  
22          the total expenditure for such purpose by the  
23          State agency designated under this subsection.

24          “(B) CONDITION FOR FEDERAL FUND-  
25          ING.—Amounts shall be provided under sub-



paragraph (A) to a State for a fiscal year only on condition that there shall be expended from State sources for carrying out the responsibilities of the designated State agency under paragraph (3) not less than the total amount expended for carrying out such responsibilities from such sources during the previous fiscal year, except in such year as the Council may become the designated State agency.

“(C) SUPPORT SERVICES PROVIDED BY OTHER AGENCIES.—With the agreement of the designated State agency, the Council may use or contract with agencies other than the designated State agency to perform the functions of the designated State agency.

“(e) 1990 REPORT.—Not later than January 1, 1990, each Council shall complete the reviews, analyses, and final report described in this section.

“(1) COMPREHENSIVE REVIEW AND ANALYSIS.—Each Council shall conduct a comprehensive review and analysis of the eligibility for services provided, and the extent, scope, and effectiveness of, services provided and functions performed by, all State agencies (including agencies that provide public assistance) that affect or that potentially affect

1 the ability of individuals with developmental disabili-  
2 ties to achieve the goals of independence, productiv-  
3 ity, and integration and inclusion into the commu-  
4 nity, including individuals with developmental dis-  
5 abilities attributable to physical impairment, mental  
6 impairment, or a combination of physical and mental  
7 impairments.

8 “(2) CONSUMER SATISFACTION.—Each Council  
9 shall conduct a review and analysis of the effective-  
10 ness of, and consumer satisfaction with, the func-  
11 tions performed by, and services provided or paid for  
12 from Federal and State funds by, each of the State  
13 agencies (including agencies that provide public as-  
14 sistance) responsible for performing functions for,  
15 and providing services to, all individuals with devel-  
16 opmental disabilities in the State. Such review and  
17 analysis shall be based upon a survey of a represent-  
18 ative sample of individuals with developmental dis-  
19 abilities receiving services from each such agency,  
20 and if appropriate, shall include such individual’s  
21 families.

22 “(3) PUBLIC REVIEW AND COMMENT.—Each  
23 Council shall convene public forums, after the provi-  
24 sion of notice within the State, in order to—

“(A) present the findings of the reviews and analyses prepared under paragraphs (1) and (2);

“(B) obtain comments from all interested individuals in the State regarding the unserved and underserved populations of individuals with developmental disabilities that result from physical impairment, mental impairment, or a combination of physical and mental impairments; and

“(C) obtain comments on any proposed recommendations concerning the removal of barriers to services for individuals with developmental disabilities and to connect such services to existing State agencies by recommending the designation of one or more State agencies, as appropriate, to be responsible for the provision and coordination of such services.

“(4) BASIS FOR STATE PLAN.—Each Council shall utilize the information developed pursuant to paragraphs (1), (2), and (3) in developing the State plan.”.

**SEC. 206. STATE ALLOTMENTS.**

(a) SECTION HEADING.—Section 125 (42 U.S.C. 6025) is amended—

1 (1) by striking “SEC. 125.”; and

2 (2) in the section heading, by striking “STATE  
3 ALLOTMENTS” and inserting the following:

4 “SEC. 125. STATE ALLOTMENTS.”.

5 (b) ALLOTMENTS.—Section 125 (42 U.S.C. 6025) is  
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) by realigning the margins of sub-  
10 paragraphs (A), (B), and (C) so as to align  
11 with the margin of subparagraph (A) of  
12 paragraph (4); and

13 (ii) by realigning the margin of the  
14 matter following subparagraph (C) so as to  
15 align with the margin of paragraph (3);

16 (B) by striking “(a)(1) For” and inserting  
17 the following:

18 “(a) ALLOTMENTS.—

19 “(1) IN GENERAL.—For”;

20 (C) in paragraph (2)—

21 (i) by striking “(2) Adjustments” and  
22 inserting the following:

23 “(2) ADJUSTMENTS.—Adjustments”;

24 (ii) by striking “may be” and insert-  
25 ing “shall be”; and



(iii) by striking “not less” and inserting “and the percentage of the total appropriation for each State not less”;

(D) in paragraph (3)—

(i) by striking “(3)(A) Except” and all that follows through “September 30, 1990.” and inserting the following:

“(3) MINIMUM ALLOTMENT.—

“(A) IN GENERAL.—Except as provided in paragraph (4), for any fiscal year the allotment under this section—

“(i) to each of American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau (until the Compact of Free Association with Palau takes effect) may not be less than the greater of—

“(I) \$210,000; or

“(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)); and

1 “(ii) to any State not described in  
 2 clause (i), may not be less than the greater  
 3 of—

4 “(I) \$400,000; or

5 “(II) the greater of the allotment  
 6 received by such State for fiscal year  
 7 1992, or the allotment received by  
 8 such State for fiscal year 1993, under  
 9 this section (determined without re-  
 10 gard to subsection (d)).”; and

11 (ii) by striking “(B) Notwithstanding”  
 12 and inserting the following:

13 “(B) REDUCTION OF ALLOTMENT.—Not-  
 14 withstanding”;

15 (E) in paragraph (4), to read as follows:

16 “(4) MAXIMUM ALLOTMENT.—

17 “(A) IN GENERAL.—In any case in which  
 18 amounts appropriated under section 130 for a  
 19 fiscal year exceeds \$75,000,000, the allotment  
 20 under this section for such fiscal year—

21 “(i) to each of American Samoa,  
 22 Guam, the United States Virgin Islands,  
 23 the Commonwealth of the Northern Mari-  
 24 ana Islands or the Republic of Palau (until  
 25 the Compact of Free Association with

Palau takes effect) may not be less than  
the greater of—

“(I) \$220,000; or

“(II) the greater of the allotment  
received by such State for fiscal year  
1992, or the allotment received by  
such State for fiscal year 1993, under  
this section (determined without re-  
gard to subsection (d)); and

“(ii) to any State not described in  
clause (i) may not be less than the greater  
of—

“(I) \$450,000; or

“(II) the greater of the allotment  
received by such State for fiscal year  
1992, or the allotment received by  
such State for fiscal year 1993, under  
this section (determined without re-  
gard to subsection (d)).

“(B) REDUCTION OF ALLOTMENT.—The  
requirements of paragraph (3)(B) shall apply  
with respect to amounts to be allotted to States  
under subparagraph (A), in the same manner  
and to the same extent as such requirements

1           apply with respect to amounts to be allotted to  
2           States under paragraph (3)(A).”;

3                       (F) in paragraph (5)—

4                       (i) by striking “In determining” and  
5                       inserting “STATE SUPPORTS, SERVICES,  
6                       AND OTHER ACTIVITIES.—In determining”;  
7                       and

8                       (ii)     by     striking,     “section  
9                       122(b)(2)(C)” and inserting “section  
10                      122(c)(3)(A)”;

11                      (G) in paragraph (6), by striking “In any  
12                      case” and inserting “INCREASE IN ALLOT-  
13                      MENTS.—In any case”;

14                      (2) in subsection (b), by striking “Any amount”  
15                      and inserting “UNOBLIGATED FUNDS.—Any  
16                      amount”;

17                      (3) in subsection (c), by striking “Whenever”  
18                      and inserting “COOPERATIVE EFFORTS BETWEEN  
19                      STATES.—Whenever”; and

20                      (4) in subsection (d), by striking “The amount”  
21                      and inserting “REALLOTMENTS.—The amount”.

22 **SEC. 207. FEDERAL SHARE AND NON-FEDERAL SHARE.**

23           Part B of title I of the Act is amended by inserting  
24 after section 125 (42 U.S.C. 6025) the following new  
25 section:



1 **"SEC. 125A. FEDERAL AND NON-FEDERAL SHARE.**

2       “(a) **AGGREGATE COSTS.**—The Federal share of all  
3 projects in a State supported by an allotment to the State  
4 under this part may not exceed 75 percent of the aggre-  
5 gate necessary costs of all such projects as determined by  
6 the Secretary, except that—

7           “(1) in the case of projects whose activities or  
8 products target individuals with developmental dis-  
9 abilities who live in urban or rural poverty areas, the  
10 Federal share of all such projects may not exceed 90  
11 percent of the aggregate necessary costs of such  
12 projects or activities, as determined by the Sec-  
13 retary; and

14           “(2) in the case of projects or activities under-  
15 taken by the Council or Council staff to implement  
16 State plan priority activities, the Federal share of all  
17 such activities may be up to 100 percent of the ag-  
18 gregate necessary costs of such activities.

19       “(b) **NONDUPLICATION.**—In determining the amount  
20 of any State’s Federal share of the expenditures incurred  
21 by such State under a State plan approved under section  
22 122, the Secretary shall not consider—

23           “(1) any portion of such expenditures that are  
24 financed by Federal funds provided under any provi-  
25 sion of law other than section 125; and

1           “(2) the amount of any non-Federal funds re-  
2       quired to be expended as a condition of receipt of  
3       such Federal funds.

4       “(c) NON-FEDERAL SHARE.—

5           “(1) IN KIND CONTRIBUTIONS.—The non-Fed-  
6       eral share of the cost of any project assisted by a  
7       grant or an allotment under this part may be pro-  
8       vided in kind.

9           “(2) CONTRIBUTIONS OF POLITICAL SUBDIVI-  
10      SIONS, PUBLIC, OR PRIVATE ENTITIES.—

11           “(A) IN GENERAL.—Expenditures on  
12      projects or activities by a political subdivision of  
13      a State or by a public or private entity shall,  
14      subject to such limitations and conditions as  
15      the Secretary may by regulation prescribe, be  
16      considered to be expenditures by such State in  
17      the case of a project under this part.

18           “(B) STATE CONTRIBUTIONS.—State con-  
19      tributions, including contributions by the des-  
20      ignated State agency to provide support services  
21      to the Council pursuant to section 124(d)(4),  
22      may be counted as part of such State’s non-  
23      Federal share of allotments under this part.

“(3) VARIATIONS OF THE NON-FEDERAL SHARE.—The non-Federal share required on a grant-by-grant basis may vary.”.

**SEC. 208. PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES.**

Section 126 (42 U.S.C. 6026) is amended—

(1) by striking “SEC. 126.” and inserting “(a) STATE PLAN EXPENDITURES.—”;

(2) in the section heading, by striking “PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION AND SERVICES” and inserting the following:

**“SEC. 126. PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES.”;**

and

(3) by adding at the end the following new subsection:

“(b) SUPPORT SERVICES.—Payments to States for support services provided by the designated State agency pursuant to section 124(d)(4) may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.”.

**SEC. 209. WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION, AND SERVICES.**

Section 127 (42 U.S.C. 6027) is amended—

1 (1) in the matter preceding paragraph (1), by  
2 striking "SEC. 127.";

3 (2) in the section heading by striking "WITH-  
4 HOLDING OF PAYMENTS FOR PLANNING, ADMINIS-  
5 TRATION AND SERVICES" and inserting the follow-  
6 ing:

7 **"SEC. 127. WITHHOLDING OF PAYMENTS FOR PLANNING,**  
8 **ADMINISTRATION, AND SERVICES.";**

9 and

10 (3) in paragraph (1), by striking "sections" and  
11 inserting "section".

12 **SEC. 210. NONDUPLICATION.**

13 Section 128 (42 U.S.C. 6028) is repealed.

14 **SEC. 211. APPEALS BY STATES.**

15 Section 129 (42 U.S.C. 6029) is amended—

16 (1) by striking "SEC. 129."; and

17 (2) in the section heading, by striking "AP-  
18 PEALS BY STATES" and inserting the following:

19 **"SEC. 129. APPEALS BY STATES.".**

20 **SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 130 (42 U.S.C. 6030) is amended—

22 (1) by striking "fiscal year 1991" and inserting  
23 "fiscal year 1994"; and

24 (2) by striking "years 1992 and 1993" and in-  
25 serting "years 1995 and 1996".



1 **SEC. 213. REVIEW, ANALYSIS, AND REPORT.**

2 (a) **REVIEW AND ANALYSIS.**—The Secretary of  
3 Health and Human Services shall review and analyze the  
4 allotment formula in effect under parts B and C of title  
5 I of the Developmental Disabilities Assistance and Bill of  
6 Rights Act prior to the date of enactment of this Act, in-  
7 cluding the factors described in such parts, and the data  
8 elements and measures used by the Secretary, to deter-  
9 mine whether such formula is consistent with the purpose  
10 of the Act.

11 (b) **ALTERNATIVE FORMULAS.**—The Secretary of  
12 Health and Human Services shall identify alternative for-  
13 mulas for allocating funds, consistent with the purpose of  
14 this Act.

15 (c) **REPORT.**—Not later than October 1, 1995, the  
16 Secretary of Health and Human Services shall submit a  
17 report on the review conducted under subsection (a) and  
18 a copy of the alternative formulas identified under sub-  
19 section (b) to the Committee on Labor and Human Re-  
20 sources of the Senate and to the Committee on Energy  
21 and Commerce of the House of Representatives.

1 **TITLE III—PROTECTION AND AD-**  
2 **VOCACY OF INDIVIDUAL**  
3 **RIGHTS**

4 **SEC. 301. PART HEADING.**

5 The heading of part C of title I of the Act is amended  
6 to read as follows:

7 **“PART C—PROTECTION AND ADVOCACY OF**  
8 **INDIVIDUAL RIGHTS”.**

9 **SEC. 302. PURPOSE.**

10 Section 141 (42 U.S.C. 6041) is amended—

11 (1) by striking “SEC. 141.”;

12 (2) in the section heading, by striking “PUR-  
13 POSE” and inserting the following:

14 **“SEC. 141. PURPOSE.”;**

15 (3) by striking “system” and inserting “Protec-  
16 tion and Advocacy system (hereafter referred to in  
17 this part as the ‘system’)”; and

18 (4) by striking “persons” and inserting “indi-  
19 viduals”.

20 **SEC. 303. SYSTEM REQUIRED.**

21 (a) **SECTION HEADING.**—Section 142 (42 U.S.C.  
22 6042) is amended—

23 (1) by striking “SEC. 142.”; and

24 (2) in the section heading, by striking “SYSTEM  
25 REQUIRED” and inserting the following:

1 **"SEC. 142. SYSTEM REQUIRED."**

2 (b) SYSTEM.—Section 142 (42 U.S.C. 6042) is  
3 amended—

4 (1) in subsection (a)—

5 (A) by striking "In order" and inserting  
6 "SYSTEM REQUIRED.—In order";

7 (B) in paragraph (1), by striking "per-  
8 sons" and inserting "individuals";

9 (C) in paragraph (2)—

10 (i) by striking "persons" each place  
11 such term appears and inserting "individ-  
12 uals";

13 (ii) in subparagraph (A), by striking  
14 "minority" and inserting "underserved  
15 geographical areas and ethnic and racial  
16 minority";

17 (iii) by striking subparagraph (C);

18 (iv) in subparagraph (E), by striking  
19 "Planning Council" and inserting "Devel-  
20 opmental Disabilities Council authorized  
21 under part B";

22 (v) in subparagraph (F), by striking  
23 "and" at the end thereof; and

24 (vi) in subparagraph (G)—

1 (I) in clause (i), by striking “per-  
2 son” each place such term appears  
3 and inserting “individual”;

4 (II) in the matter preceding  
5 subclause (I) of clause (ii), by striking  
6 “person” and inserting “individual”;

7 (III) in clause (ii)(I), by striking  
8 “by reason of the mental or physical  
9 condition of such person” and insert-  
10 ing “by reason of such individual’s  
11 mental or physical condition”;

12 (IV) in clause (ii)(III), by strik-  
13 ing “person” and inserting “individ-  
14 ual”;

15 (V) in clause (iii), by realigning  
16 the margins of subclauses (I), (II),  
17 and (III) so as to align with the mar-  
18 gins of subclauses (I), (II), and (III)  
19 of clause (ii);

20 (VI) in clause (iii), by striking  
21 “(iii) any” and inserting the following:  
22 “(iii) any”; and

23 (VII) in clause (iii)(III), by strik-  
24 ing “person” and inserting “individ-  
25 ual”;



(D) by redesignating subparagraphs (D),  
(E), (F), and (G) as subparagraphs (E), (F),  
(G), and (I), respectively;

(E) by inserting after subparagraph (B)  
the following new subparagraphs:

“(C) on an annual basis, develop a state-  
ment of objectives and priorities for the sys-  
tem’s activities; and

“(D) on an annual basis, provide to the  
public, including individuals with developmental  
disabilities attributable to either physical im-  
pairment, mental impairment, or a combination  
of physical or mental impairments, and their  
representatives, as appropriate, non-State agen-  
cy representatives of the State Developmental  
Disabilities Council, and the university affili-  
ated program (if applicable within a State), an  
opportunity to comment on—

“(i) the objectives and priorities es-  
tablished by the system and the rationale  
for the establishment of such objectives;  
and

“(ii) the activities of the system, in-  
cluding the coordination with the advocacy  
programs under the Rehabilitation Act of

1           1973, the Older Americans Act of 1965,  
2           and the Protection and Advocacy for Men-  
3           tally Ill Individuals Act of 1986, and with  
4           other related programs, including the Par-  
5           ent Training and Information Centers,  
6           education ombudsman programs and  
7           assistive technology projects;”;

8           (F) by inserting after subparagraph (G),  
9           as so redesignated in subparagraph (D), the fol-  
10          lowing new subparagraph:

11          “(H) have access at reasonable times and  
12          locations to any resident who is an individual  
13          with a developmental disability in a facility that  
14          is providing services, supports, and other assist-  
15          ance to such a resident;”;

16          (G) by adding at the end the following new  
17          subparagraphs:

18          “(J) hire and maintain sufficient numbers  
19          and types of staff, qualified by training and ex-  
20          perience, to carry out such system’s function  
21          except that such State shall not apply hiring  
22          freezes, reductions in force, or other policies  
23          that negatively affect the provision of staff sup-  
24          port to the system, or restrict travel to training

1 and technical assistance activities funded under  
2 this Act;

3 “(K) have the authority to educate policy-  
4 makers; and

5 “(L) provide assurances to the Secretary  
6 that funds allotted to the State under this sec-  
7 tion will be used to supplement and increase the  
8 level of funds that would otherwise be made  
9 available for the purposes for which Federal  
10 funds are provided and not to supplant such  
11 non-Federal funds;”

12 (H) by striking paragraphs (3) and (5);

13 (I) in paragraph (4)—

14 (i) by striking “the State” and all  
15 that follows through “provided with” and  
16 inserting “the State must provide to the  
17 system”;

18 (ii) by striking “1902(a)(31)(B)” and  
19 inserting “1902(a)(31)”; and

20 (iii) by redesignating such paragraph  
21 as paragraph (3); and

22 (J) by adding at the end the following new  
23 paragraph:

1           “(4) the agency implementing the system will  
2 not be redesignated unless there is good cause for  
3 the redesignation and unless—

4           “(A) notice has been given of the intention  
5 to make such redesignation to the agency that  
6 is serving as the system including the good  
7 cause for such redesignation and the agency  
8 has been given an opportunity to respond to the  
9 assertion that good cause has been shown;

10           “(B) timely notice and opportunity for  
11 public comment in an accessible format has  
12 been given to individuals with developmental  
13 disabilities or their representatives; and

14           “(C) the system has the opportunity to ap-  
15 peal to the Secretary that the redesignation was  
16 not for good cause.”;

17           (2) in subsection (b)—

18           (A) by striking “(b)(1) To” and inserting  
19 the following:

20           “(b) ALLOTMENTS.—

21           “(1) IN GENERAL.—To”;

22           (B) in paragraph (1)—

23           (i) by realigning the margins of sub-  
24 paragraphs (A) and (B) so as to align with



subparagraphs (A) through (C) of subsection (a)(4);

(ii) in subparagraph (A), to read as follows:

“(A) the total amount appropriated under section 143 for a fiscal year is at least \$20,000,000—

“(i) the allotment of each of American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association with Palau takes effect) for such fiscal year may not be less than the greater of—

“(I) \$107,000; or

“(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)); and

“(ii) the allotment of any State not described in clause (i) for such fiscal year may not be less than the greater of—

“(I) \$200,000; or

1                   “(II) the greater of the allot-  
2                   ments received by such State for fiscal  
3                   year 1992, or the allotment received  
4                   by such State for fiscal year 1993,  
5                   under this section (determined with-  
6                   out regard to subsection (d)).”; and  
7                   (iii) in subparagraph (B), to read as  
8                   follows:

9                   “(B) the total amount appropriated under  
10                  section 143 for a fiscal year is less than  
11                  \$20,000,000—

12                  “(i) the allotment of each of American  
13                  Samoa, Guam, the United States Virgin  
14                  Islands, the Commonwealth of the North-  
15                  ern Mariana Islands, and the Republic of  
16                  Palau (until the Compact of Free Associa-  
17                  tion with Palau takes effect) for such fiscal  
18                  year may not be less than the greater of—

19                         “(I) \$80,000; or

20                         “(II) the greater of the allotment  
21                         received by such State for fiscal year  
22                         1992, or the allotment received by  
23                         such State for fiscal year 1993, under  
24                         this section (determined without re-  
25                         gard to subsection (d)); and

“(ii) the allotment of any State not described in clause (i) for such fiscal year may not be less than the greater of—

“(I) \$150,000; or

“(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)).”;

(C) by realigning the margins of subparagraphs (A) and (B) of paragraph (2) so as to align with subparagraphs (A) through (C) of subsection (a)(4);

(D) by realigning the margins of paragraphs (2) through (4) so as to align with paragraph (4) of subsection (a);

(E) in paragraph (2), by striking “In any case” and inserting “INCREASE IN ALLOTMENTS.—In any case”;

(F) in paragraph (3), by striking “A State” and inserting “MONITORING THE ADMINISTRATION OF THE SYSTEM.—A State”;

1 (G) in paragraph (4), by striking “Not-  
2 withstanding” and inserting “REDUCTION OF  
3 ALLOTMENT.—Notwithstanding”; and

4 (H) by inserting at the end the following  
5 new paragraph:

6 “(5) TECHNICAL ASSISTANCE AND AMERICAN  
7 INDIAN CONSORTIUM.—In any case in which  
8 amounts appropriated under section 143 for a fiscal  
9 year exceeds \$24,500,000, the Secretary shall—

10 “(A) use not more than 2 percent of the  
11 amounts appropriated to provide technical as-  
12 sistance (consistent with requests by such sys-  
13 tems for such assistance in the year that appro-  
14 priations reach \$24,500,000) to eligible systems  
15 with respect to activities carried out under this  
16 title; and

17 “(B) provide grants in accordance with  
18 paragraph (1)(A)(i) to American Indian Con-  
19 sortiums to provide protection and advocacy  
20 services.”;

21 (3) in subsection (c), by striking “Any amount”  
22 and inserting “UNOBLIGATED FUNDS.—Any  
23 amount”;

24 (4) in subsection (d)—



1 (A) in the matter preceding paragraph (1),  
2 by striking "In States" and inserting "GOV-  
3 ERNING BOARD.—In States";

4 (B) in paragraph (1), by inserting before  
5 the semicolon "and include individuals with de-  
6 velopmental disabilities who are eligible for  
7 services, or have received or are receiving serv-  
8 ices, or parents, family members, guardians, ad-  
9 vocates, or authorized representatives of such  
10 individuals"; and

11 (C) by adding at the end the following new  
12 paragraph:

13 "(4) in States in which the system is organized  
14 as a public system without a multimember governing  
15 or advisory board, the system shall establish an advi-  
16 sory council that shall—

17 "(A) advise the system on policies and pri-  
18 orities to be carried out in protecting and advo-  
19 cating the rights of individuals with devel-  
20 opmental disabilities; and

21 "(B) consist of a majority of individuals  
22 with developmental disabilities who are eligible  
23 for services, or have received or are receiving  
24 services, or parents, family members, guardians,

1 advocates, or authorized representatives of such  
2 individuals.”;

3 (5) in subsection (e) by striking “As used” and  
4 inserting “RECORDS.—As used”;

5 (6) in subsection (f)—

6 (A) by striking “If the” and inserting “AC-  
7 CESS TO RECORDS.—If the”; and

8 (B) in the matter preceding paragraph (1)  
9 by striking “persons” and inserting “individ-  
10 uals”;

11 (7) in subsection (g)—

12 (A) by striking “(g)(1) Nothing” and in-  
13 serting the following:

14 “(g) LEGAL ACTION.—

15 “(1) IN GENERAL.—Nothing”;

16 (B) in paragraph (1), by striking “per-  
17 sons” and inserting “individuals”; and

18 (C) in paragraph (2), by striking “(2)  
19 Amounts” and inserting the following:

20 “(2) USE OF AMOUNTS FROM JUDGMENT.—  
21 Amounts”;

22 (8) in subsection (h), by striking “Notwith-  
23 standing” and inserting “PAYMENT TO SYS-  
24 TEMS.—Notwithstanding”;

1           (9) by redesignating subsections (b) through (h)  
2       as subsections (c) through (i), respectively;

3           (10) by inserting after subsection (a) the follow-  
4       ing new subsection:

5       “(b) AMERICAN INDIAN CONSORTIUM.—Upon appli-  
6       cation to the Secretary, an American Indian consortium,  
7       as defined in section 102, established to provide protection  
8       and advocacy services under this part, shall receive fund-  
9       ing pursuant to subsection (c)(5). Such consortium shall  
10      coordinate activities with existing systems.”; and

11          (11) by adding at the end the following new  
12      subsections:

13      “(j) DISCLOSURE OF INFORMATION.—For purposes  
14      of any periodic audit, report, or evaluation required under  
15      this Act, the Secretary shall not require a program to dis-  
16      close the identity of, or any other personally identifiable  
17      information related to, any individual requesting assist-  
18      ance under such program.

19      “(k) PUBLIC NOTICE OF FEDERAL ONSITE RE-  
20      VIEW.—The Secretary shall provide advance public notice  
21      of any Federal programmatic and administrative review  
22      and solicit public comment on the system funded under  
23      this part through such notice. The findings of the public  
24      comment solicitation notice shall be included in the onsite  
25      visit report.”.

1 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 143 (42 U.S.C. 6043) is amended—

3 (1) by striking “SEC. 143.”;

4 (2) in the section heading, by striking “AU-  
5 THORIZATION OF APPROPRIATIONS” and inserting  
6 the following:

7 **“SEC. 143. AUTHORIZATION OF APPROPRIATIONS.”;**

8 (3) by striking “\$24,200,000 for fiscal year  
9 1991” and inserting “\$29,000,000 for fiscal year  
10 1994”; and

11 (4) by striking “fiscal years 1992 and 1993”  
12 and inserting “fiscal years 1995 and 1996”.

13 **TITLE IV—UNIVERSITY**  
14 **AFFILIATED PROGRAMS**

15 **SEC. 401. PART HEADING.**

16 The heading of part D of title I of the Act is amended  
17 to read as follows:

18 **“PART D—UNIVERSITY AFFILIATED PROGRAMS”.**

19 **SEC. 402. PURPOSE.**

20 Section 151 (42 U.S.C. 6061) is amended to read as  
21 follows:

22 **“SEC. 151. PURPOSE AND SCOPE OF ACTIVITIES.**

23 “The purpose of this part is to provide for grants  
24 to university affiliated programs that are interdisciplinary  
25 programs operated by universities, or by public or non-  
26 profit entities associated with a college or university, to



1 provide a leadership role in the promotion of independ-  
2 ence, productivity, and integration and inclusion into the  
3 community of individuals with developmental disabilities  
4 through the provision of the following activities:

5       “(1) Interdisciplinary preservice preparation of  
6 students and fellows, including the preparation of  
7 leadership personnel.

8       “(2) Community service activities that shall in-  
9 clude community training and technical assistance  
10 for or with individuals with developmental disabili-  
11 ties, family members of individuals with devel-  
12 opmental disabilities, professionals, paraprofes-  
13 sionals, students, and volunteers. Such activities  
14 may include state-of-the-art direct services including  
15 family support, individual support, personal assist-  
16 ance services, educational, vocational, clinical,  
17 health, prevention, or other direct services.

18       “(3) Dissemination of information and research  
19 findings, which may include the empirical validation  
20 of activities relevant to the purposes described in  
21 paragraphs (1) and (2) and contributions to the de-  
22 velopment of new knowledge in the field of devel-  
23 opmental disabilities.”.

1 **SEC. 403. GRANT AUTHORITY.**

2 (a) SECTION HEADING.—Section 152 (42 U.S.C.  
3 6062) is amended—

4 (1) by striking “SEC. 152.”; and

5 (2) in the section heading, by striking “GRANT  
6 AUTHORITY” and inserting the following:

7 **“SEC. 152. GRANT AUTHORITY.”**

8 (b) AUTHORITY.—Section 152 (42 U.S.C. 6062) is  
9 amended—

10 (1) in subsection (a)—

11 (A) by striking “From appropriations” and  
12 inserting “ADMINISTRATION AND OPER-  
13 ATION.—From appropriations”; and

14 (B) by striking “102(18).” and inserting  
15 “151. Grants may be awarded for a period not  
16 to exceed 5 years.”;

17 (2) in subsection (b), to read as follows:

18 **“(b) TRAINING PROJECTS.—**

19 **“(1) IN GENERAL.—**From amounts appro-  
20 priated under section 156(a), the Secretary shall  
21 make grants to university affiliated programs receiv-  
22 ing grants under subsection (a) to support training  
23 projects to train personnel to address the needs of  
24 individuals with developmental disabilities in areas  
25 of emerging national significance, as described in  
26 paragraph (3). Grants awarded under this sub-

1 section shall be awarded on a competitive basis and  
2 may be awarded for a period not to exceed 5 years.

3 “(2) ELIGIBILITY LIMITATIONS.—A university  
4 affiliated program shall not be eligible to receive  
5 funds for training projects under this subsection  
6 unless—

7 “(A) such program has operated for at  
8 least 1 year; or

9 “(B) the Secretary determines that such  
10 program has demonstrated the capacity to de-  
11 velop an effective training project during the  
12 first year such program is operated.

13 “(3) AREAS OF FOCUS.—Training projects  
14 under this subsection shall train personnel to ad-  
15 dress the needs of individuals with developmental  
16 disabilities in the areas of emerging national signifi-  
17 cance described in subparagraphs (A) through (G).

18 “(A) EARLY INTERVENTION.—Grants  
19 under this subsection for training projects with  
20 respect to early intervention services shall be  
21 for the purpose of assisting university affiliated  
22 programs in providing training to family mem-  
23 bers of children with developmental disabilities  
24 and personnel from all disciplines involved with  
25 interdisciplinary intervention to infants, tod-

1           dlers, and preschool age children with devel-  
2           opmental disabilities. Such training projects  
3           shall include instruction on family-centered,  
4           community-based, coordinated care for infants,  
5           toddlers, and preschool age children with devel-  
6           opmental disabilities and their families.

7           “(B) AGING.—Grants under this sub-  
8           section for training projects with respect to  
9           aging and developmental disabilities shall be for  
10          the purpose of supporting the planning, design,  
11          and implementation of coordinated interdiscipli-  
12          nary training programs between existing aging  
13          or gerontological programs and university affili-  
14          ated programs in order to prepare professional  
15          staff to provide services for aging individuals  
16          with developmental disabilities and their fami-  
17          lies.

18          “(C) COMMUNITY SERVICES.—Grants  
19          under this subsection for training projects with  
20          respect to community services shall be for the  
21          purpose of providing training that enhances di-  
22          rect supports and services for individuals with  
23          developmental disabilities, including training to  
24          community members, families, individuals with  
25          developmental disabilities, and community-



1 based direct service providers. The Secretary  
2 shall ensure that all grants under this subpara-  
3 graph are made only to university affiliated pro-  
4 grams that involve community-level direct sup-  
5 port services in the preparation of the applica-  
6 tion for such grant and that assure that any  
7 training under the university affiliated program  
8 will be coordinated with local community serv-  
9 ices and support systems and with State, local,  
10 and regional governmental or private agencies  
11 responsible for the planning or delivery of serv-  
12 ices to individuals with developmental disabil-  
13 ities.

14 “(D) POSITIVE BEHAVIORAL SUPPORTS.—

15 Grants awarded under this subsection for train-  
16 ing projects with respect to positive behavioral  
17 supports shall be for the purpose of assisting  
18 university affiliated programs in providing  
19 training to family members of individuals with  
20 developmental disabilities and personnel in  
21 methods of developing individual supports that  
22 maximize opportunities for independence, pro-  
23 ductivity, and integration and inclusion into the  
24 community for individuals with developmental

1 disabilities and severe behavior problems. Such  
2 training projects shall provide training to—

3 “(i) address ethical and legal prin-  
4 ciples and standards, including the role of  
5 personal values in designing assessments  
6 and interventions;

7 “(ii) address appropriate assessment  
8 approaches that examine the range of fac-  
9 tors that contribute to problem behavior;

10 “(iii) address the development of a  
11 comprehensive plan that considers the  
12 needs and preferences of an individual with  
13 a developmental disability;

14 “(iv) address the competence in the  
15 types of skills training, environmental  
16 modification, and incentive procedures that  
17 encourage alternative behaviors;

18 “(v) familiarize training participants  
19 with crisis intervention approaches and the  
20 separate role of such approaches as short-  
21 term emergency procedures;

22 “(vi) familiarize training participants  
23 with medical interventions and how to  
24 evaluate the effect of such interventions on  
25 behavior; and

1                   “(vii) address techniques for evaluat-  
2                   ing the outcomes of interventions.

3                   “(E) ASSISTIVE TECHNOLOGY SERVICES.—

4                   Grants under this subsection for training  
5                   projects with respect to assistive technology  
6                   services shall be for the purpose of assisting  
7                   university affiliated programs in providing  
8                   training to personnel who provide, or will pro-  
9                   vide, assistive technology services and devices to  
10                  individuals with developmental disabilities and  
11                  their families. Such projects may provide train-  
12                  ing and technical assistance to improve access  
13                  to assistive technology services for individuals  
14                  with developmental disabilities and may include  
15                  stipends and tuition assistance for training  
16                  project participants. Such projects shall be co-  
17                  ordinated with State technology coordinating  
18                  councils wherever such councils exist.

19                  “(F) AMERICANS WITH DISABILITIES  
20                  ACT.—Grants under this subsection for training  
21                  projects with respect to the provisions of the  
22                  Americans with Disabilities Act of 1990 shall  
23                  be for the purpose of assisting university affli-  
24                  ated programs in providing training to person-  
25                  nel who provide, or will provide, services to indi-

1           viduals with developmental disabilities, and to  
2           others concerned with individuals with devel-  
3           opmental disabilities.

4           “(G) OTHER AREAS.—Grants under this  
5           subsection for training projects with respect to  
6           programs in other areas of national significance  
7           shall be for the purpose of training personnel in  
8           an area of special concern to the university af-  
9           filiated program, and shall be developed in con-  
10          sultation with the State Developmental Disabil-  
11          ities Council.

12          “(4) COURSES, TRAINEESHIPS AND FELLOW-  
13          SHIPS.—Grants under this subsection may be used  
14          by university affiliated programs to—

15                 “(A) assist in paying the costs of courses  
16                 of training or study for personnel to provide  
17                 services for individuals with developmental dis-  
18                 abilities and their families; and

19                 “(B) establish fellowships or traineeships  
20                 providing such stipends and allowances as may  
21                 be determined by the Secretary.

22          “(5) PROHIBITED ACTIVITIES.—Grants award-  
23          ed under this subsection shall not be used for ad-  
24          ministrative expenses for the university affiliated  
25          program under subsection (a).



1           “(6) CRITERIA.—Grants awarded under this  
2 subsection shall meet the criteria described in sub-  
3 paragraphs (A) and (B).

4           “(A) APPLICATION.—An application that  
5 is submitted for a grant under this subsection  
6 shall present evidence that training projects as-  
7 sisted by funds awarded under this section  
8 are—

9                   “(i) competency and value based;

10                   “(ii) designed to facilitate independ-  
11 ence, productivity, and integration and in-  
12 clusion for individuals with developmental  
13 disabilities; and

14                   “(iii) evaluated utilizing state-of-the-  
15 art evaluation techniques in the pro-  
16 grammatic areas selected.

17           “(B) GENERAL PROJECT REQUIRE-  
18 MENTS.—Training projects under this sub-  
19 section shall—

20                   “(i) represent state-of-the-art tech-  
21 niques in areas of critical shortage of per-  
22 sonnel that are identified through consulta-  
23 tion with the consumer advisory committee  
24 described in section 153(d) and the State  
25 Developmental Disabilities Council;

1                   “(ii) be conducted in consultation with  
2                   the consumer advisory committee described  
3                   in section 153(d) and the State Devel-  
4                   opmental Disabilities Council;

5                   “(iii) be integrated into the appro-  
6                   priate university affiliated program and  
7                   university curriculum;

8                   “(iv) be integrated with relevant State  
9                   agencies in order to achieve an impact on  
10                  statewide personnel and service needs;

11                  “(v) to the extent practical, be con-  
12                  ducted in environments where services are  
13                  actually delivered;

14                  “(vi) to the extent possible, be inter-  
15                  disciplinary in nature; and

16                  “(vii) to the extent possible, address  
17                  the unique needs of individuals with devel-  
18                  opmental disabilities from ethnic, cultural,  
19                  and linguistic minority backgrounds.”;

20                  (3) in subsection (c)—

21                         (A) by striking “From amounts appro-  
22                         priated under section 154(b)” and inserting  
23                         “SUPPLEMENTAL AWARDS.—From amounts  
24                         appropriated under section 156(a)”;

25                         (B) in paragraph (1)—

1 (i) by striking “service-related train-  
2 ing to persons” and inserting “inter-  
3 disciplinary training, community training  
4 and technical assistance, community serv-  
5 ices, or dissemination of information to in-  
6 dividuals”;

7 (ii) by striking “integration into the  
8 community of persons with developmental  
9 disabilities” and inserting “integration and  
10 inclusion into the community of individuals  
11 with developmental disabilities and not oth-  
12 erwise specified in subsection (b)”;

13 (iii) by striking “persons” each place  
14 such term appears and inserting “individ-  
15 uals”;

16 (C) in paragraph (2)—

17 (i) by striking “(A) the” and inserting  
18 “the”;

19 (ii) by striking “persons” and insert-  
20 ing “individuals”;

21 (iii) by striking “(B) the” and insert-  
22 ing “the”; and

23 (iv) by striking “parents” and insert-  
24 ing “family members”;

25 (4) by striking subsection (d);

1 (5) in subsection (e)—

2 (A) by striking “(e) From amounts appro-  
3 priated under section 154(a)” and inserting  
4 “(d) FEASIBILITY STUDIES.—From amounts  
5 appropriated under section 156(a)”; and

6 (B) by striking “or a satellite center” each  
7 place such term appears; and

8 (6) by striking subsections (f) and (g).

9 **SEC. 404. APPLICATIONS.**

10 (a) **SECTION HEADING.**—Section 153 (42 U.S.C.  
11 6063) is amended—

12 (1) by striking “SEC. 153.”; and

13 (2) in the section heading, by striking “APPLI-  
14 CATIONS” and inserting the following:

15 **“SEC. 153. APPLICATIONS.”.**

16 (b) **APPLICATIONS.**—Section 153 (42 U.S.C. 6063)  
17 is amended—

18 (1) in subsection (a)—

19 (A) by striking “Not later than six” and  
20 inserting: “STANDARDS.—Not later than 12”;

21 (B) by striking “Act of 1984” and insert-  
22 ing “Assistance and Bill of Rights Act Amend-  
23 ments of 1993”;

24 (C) by striking “persons” and inserting  
25 “individuals”; and



(D) by striking “section 102(18)” and inserting “section 151”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “No grants” and all that follows through “Such an application” and inserting “ASSURANCES.—The application under subsection (a)”;

(B) in paragraph (1), by striking “grant will” and all that follows through “level of such funds;” and inserting the following: “grant will—

“(A) not result in any decrease in the use of State, local, and other non-Federal funds for services for individuals with developmental disabilities and for training of individuals to provide such services, which funds would (except for such grant) be made available to the applicant; and

“(B) be used to supplement and, to the extent practicable, increase the level of such funds;”;

(C) in paragraph (2), by striking “subsection (a)” each place such term appears and inserting “subsection (b)”;

1 (D) in paragraph (3)—

2 (i) by striking “persons” each place  
3 such term appears and inserting “individ-  
4 uals”;

5 (ii) by striking “treatment, services,  
6 or habilitation” and inserting “services”;  
7 and

8 (iii) by striking “the developmentally  
9 disabled” and inserting “individuals with  
10 developmental disabilities”; and

11 (E) in paragraph (5)—

12 (i) by striking “Planning” and insert-  
13 ing “Developmental Disabilities”; and

14 (ii) by striking “or the satellite center  
15 is or will be located”;

16 (3) by striking subsections (c) and (d);

17 (4) by redesignating subsections (a), (b), and  
18 (e) as subsections (b), (c), and (f), respectively;

19 (5) by inserting after the section heading the  
20 following new subsection:

21 “(a) IN GENERAL.—No grants may be made under  
22 section 152(a) unless an application therefor is submitted  
23 to, and approved by, the Secretary. Such an application  
24 shall be submitted in such form and manner, and contain  
25 such information, as the Secretary may require.”;

(6) by inserting after subsection (c), as so redesignated by paragraph (4), the following new subsections:

“(d) CONSUMER ADVISORY COMMITTEE.—The Secretary shall only make grants under section 152(a) to university affiliated programs that establish a consumer advisory committee comprised of individuals with developmental disabilities, family members of individuals with developmental disabilities, representatives of State protection and advocacy systems, State developmental disabilities councils (including State service agency directors), local agencies, and private nonprofit groups concerned with providing services for individuals with developmental disabilities, which may include representatives from parent training and information centers.

“(e) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of any project to be provided through grants under this part may not exceed 75 percent of the necessary cost of such project, as determined by the Secretary, except that if the project activities or products target individuals with developmental disabilities who live in an urban or rural poverty area, the Federal share may not exceed 90 percent of the project’s necessary costs as so determined by the Secretary.

1           “(2) PROJECT EXPENDITURES.—For the pur-  
 2       pose of determining the Federal share with respect  
 3       to any project, expenditures on that project by a po-  
 4       litical subdivision of the State or by a public or pri-  
 5       vate entity shall, subject to such limitations and con-  
 6       ditions as the Secretary may by regulation prescribe,  
 7       be considered to be expenditures made by a univer-  
 8       sity affiliated program under this part.”;

9           (7) in subsection (f), as so redesignated by  
 10      paragraph (4)—

11           (A) by striking “(f)(1) The Secretary” and  
 12      inserting the following:

13      “(f) PEER REVIEW.—

14           “(1) IN GENERAL.—The Secretary”;

15           (B) in paragraph (1), by striking “Such  
 16      peer review” and all that follows through  
 17      “152(b)(1)(D)”;

18           (C) in paragraph (2)—

19           (i) by striking “(2) Regulations” and  
 20      inserting the following:

21      “(2) REGULATIONS.—Regulations”; and

22           (ii) by striking “experience or train-  
 23      ing” and inserting “experience and train-  
 24      ing”;

25           (D) in paragraph (3), to read as follows:



1 “(3) APPROVAL.—

2 “(A) IN GENERAL.—The Secretary may  
3 approve an application under this part only if  
4 such application has been recommended by a  
5 peer review group that has conducted the peer  
6 review required under paragraph (1).

7 “(B) APPLICABILITY.—This paragraph  
8 shall apply to the approval of grant applications  
9 received for fiscal year 1990 and succeeding fis-  
10 cal years.”;

11 (E) in paragraph (4)—

12 (i) by striking “(4) The Secretary”  
13 and inserting the following:

14 “(4) ESTABLISHMENT OF PEER REVIEW  
15 GROUPS.—The Secretary”; and

16 (ii) by realigning the margins of sub-  
17 paragraphs (A) and (B) so as to align with  
18 the margin of subparagraph (A) of para-  
19 graph (3); and

20 (F) in paragraph (5), by striking “(5) The  
21 Secretary” and inserting the following:

22 “(5) WAIVERS OF APPROVAL.—The Secretary”;

23 and

24 (8) by adding at the end the following new sub-  
25 section:

1       “(g) REVIEW BY OTHER FEDERAL AGENCIES.—The  
2 Secretary shall establish such a process for the review of  
3 applications for grants under section 152(a) as will en-  
4 sure, to the maximum extent feasible, that each Federal  
5 agency that provides funds for the direct support of the  
6 applicant’s program reviews the application.”.

7 **SEC. 405. GRANT AWARDS.**

8       Section 154 (42 U.S.C. 6064) is amended to read as  
9 follows:

10 **“SEC. 154. PRIORITY FOR GRANT AWARDS.**

11       “(a) IN GENERAL.—In awarding and distributing  
12 grant funds under this part, the Secretary, subject to the  
13 availability of appropriations, shall award and distribute  
14 grant funds in accordance with the following order of  
15 priorities:

16       “(1) EXISTING STATE UNIVERSITY AFFILIATED  
17 PROGRAMS.—First priority shall be given, with re-  
18 spect to the provision of grant awards under section  
19 152(a) in the amount of \$200,000, to an existing  
20 State university affiliated program that meets the  
21 requirements under section 153.

22       “(2) UNSERVED STATES.—Second priority shall  
23 be given, with respect to the provision of grant  
24 awards under section 152(a) in the amount of  
25 \$200,000, to a university or public or nonprofit en-

1 tity associated with a college or university that de-  
2 sires to establish a university affiliated program in  
3 a State that is unserved by a university affiliated  
4 program as of the date of enactment of the Devel-  
5 opmental Assistance and Bill of Rights Act Amend-  
6 ments of 1993.

7 “(3) TRAINING PROJECTS IN ALL UNIVERSITY  
8 AFFILIATED PROGRAMS.—Third priority shall be  
9 given, with respect to the provision of grant awards,  
10 to each university affiliated program that receives  
11 funding under section 152(a) and that meets the eli-  
12 gibility limitations under section 152(b) to the estab-  
13 lishment of training projects under section 152(b) in  
14 the amount of \$90,000 in each such program.

15 “(4) INCREASED FUNDING FOR TRAINING  
16 PROJECTS.—Fourth priority shall be given, with re-  
17 spect to the provision of grant awards, to the provi-  
18 sion of an increase in the amount of a training  
19 project grant award under section 152(b) to  
20 \$100,000.

21 “(5) INCREASED FUNDING FOR UNIVERSITY AF-  
22 FILIATED PROGRAMS.—Fifth priority shall be given,  
23 with respect to the provision of grant awards, to the  
24 provision of an increase in the amount of a univer-

1       sity affiliated program grant award under section  
2       152(a) to \$250,000.

3           “(6) ADDITIONAL TRAINING.—Sixth priority  
4       shall be given, with respect to the provision of grant  
5       awards, to an existing university affiliated program  
6       in a State that is served by such program under sec-  
7       tion 152(a) to provide additional training under sub-  
8       section (b) or (c) of section 152 within such State  
9       or other geographic regions, or to a university or  
10      public or nonprofit entity associated with a college  
11      or university that desires to establish another uni-  
12      versity affiliated program within such State under  
13      section 152(a). All applications submitted to the  
14      Secretary for such grant awards shall document  
15      plans for coordinating activities with an existing uni-  
16      versity affiliated program in the State (if applicable)  
17      and in consultation with the State Developmental  
18      Disabilities Council.

19           “(b) ADDITIONAL PROGRAMS.—For purposes of  
20      making grants under subsection (a)(6), the Secretary shall  
21      consider applications for grants for university affiliated  
22      programs—

23           “(1) for States that are currently underserved  
24      by a university affiliated program; and



“(2) that are in addition to the total number of university affiliated programs receiving grants under this subsection for the preceding fiscal year.

“(c) SINGLE APPLICATION.—When every State is served by a university affiliated program under section 152(a) in the amount of \$200,000 and every such program has been awarded a training grant under section 152(b) in the amount of \$90,000, the Secretary may accept applications under such sections in a single application.”.

**SEC. 406. AUTHORIZATION OF APPROPRIATIONS AND DEFINITION.**

Part D of title I (42 U.S.C. 151 et seq.) is amended by adding at the end the following new sections:

**“SEC. 155. DEFINITION.**

“For purposes of this part, the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

**“SEC. 156. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—For the purpose of making grants under subsections (a), (b), (c), and (d) of section 152, there are authorized to be appropriated \$21,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

1       “(b) LIMITATION.—With respect to peer review or  
2 other activities directly related to peer review, the Sec-  
3 retary may not use—

4               “(1) for fiscal year 1994, more than \$300,000  
5 of the funds made available under subsection (a) for  
6 such review or such other activities;

7               “(2) for any succeeding fiscal year, more than  
8 the amount of the funds made available under para-  
9 graph (1) adjusted to take into account the increase  
10 in the Consumer Price Index for such fiscal year for  
11 such review or such other activities.”.

## 12               **TITLE V—PROJECTS OF** 13               **NATIONAL SIGNIFICANCE**

### 14       **SEC. 501. PART HEADING.**

15       The heading of part E of title I of the Act is amended  
16 to read as follows:

17               **“PART E—PROJECTS OF NATIONAL**  
18               **SIGNIFICANCE”.**

### 19       **SEC. 502. PURPOSE.**

20       Section 161 (42 U.S.C. 6081) is amended to read as  
21 follows:

#### 22       **“SEC. 161. PURPOSE.**

23       “The purpose of this part is to provide for grants  
24 and contracts for projects of national significance that  
25 support the development of national and State policy to

1 enhance the independence, productivity, and integration  
2 and inclusion of individuals with developmental disabilities  
3 through—

4           “(1) data collection and analysis;

5           “(2) technical assistance to enhance the quality  
6 of State Developmental Disabilities Councils, protec-  
7 tion and advocacy systems, and university affiliated  
8 programs; and

9           “(3) other projects of sufficient size and scope  
10 that hold promise to expand or improve opportuni-  
11 ties for individuals with developmental disabilities,  
12 including—

13           “(A) technical assistance for the develop-  
14 ment of information and referral systems;

15           “(B) educating policymakers;

16           “(C) Federal interagency initiatives;

17           “(D) the enhancement of minority partici-  
18 pation in public and private sector initiatives in  
19 developmental disabilities; and

20           “(E) special pilots and evaluation studies  
21 to explore the expansion of programs under  
22 part B to individuals with severe disabilities  
23 other than developmental disabilities.”.

1 **SEC. 503. GRANT AUTHORITY.**

2 (a) **SECTION HEADING.**—Section 162 (42 U.S.C.  
3 6082) is amended—

4 (1) by striking “SEC. 162.”; and

5 (2) in the section heading, by striking “GRANT  
6 AUTHORITY” and inserting the following:

7 **“SEC. 162. GRANT AUTHORITY.”.**

8 (b) **AUTHORITY.**—Section 162 (42 U.S.C. 6082) is  
9 amended—

10 (1) in subsection (a), to read as follows:

11 “(a) **IN GENERAL.**—The Secretary—

12 “(1) shall make grants to and enter into con-  
13 tracts with public or nonprofit private entities for  
14 projects of national significance relating to individ-  
15 uals with developmental disabilities to—

16 “(A) support ongoing data collection on ex-  
17 penditures, residential services and employment,  
18 and develop an ongoing data collection system,  
19 including data collection on the accomplish-  
20 ments of State Developmental Disabilities  
21 Councils, protection and advocacy systems, and  
22 university affiliated programs; and

23 “(B) provide technical assistance (includ-  
24 ing research, training, and evaluation) that ex-  
25 pands or improves the effectiveness of State  
26 Developmental Disabilities Councils under part



1 B, protection and advocacy systems under part  
2 C, and university affiliated programs under  
3 part D, including the evaluation and assessment  
4 of the quality of services provided to individuals  
5 with developmental disabilities and other activi-  
6 ties performed by programs under parts B, C,  
7 and D; and

8 “(2) may make grants to and enter into con-  
9 tracts with public or nonprofit private entities for  
10 projects of national significance relating to individ-  
11 uals with developmental disabilities to conduct other  
12 nationally significant initiatives of sufficient size and  
13 scope that hold promise of expanding or otherwise  
14 improving opportunities for individuals with devel-  
15 opmental disabilities, including—

16 “(A) conducting research and providing  
17 technical assistance to assist States to develop  
18 statewide, comprehensive information and refer-  
19 ral and service coordination systems for individ-  
20 uals with developmental disabilities and their  
21 families and improve supportive living and qual-  
22 ity of life opportunities that enhance recreation,  
23 leisure, and fitness;

1           “(B) educating policymakers, including the  
2           training of self-advocates and family members  
3           of individuals with developmental disabilities;

4           “(C) pursuing Federal interagency initia-  
5           tives that enhance the ability of Federal agen-  
6           cies to address the needs of individuals with de-  
7           velopmental disabilities and their families; and

8           “(D) expanding or otherwise improving op-  
9           portunities for individuals with developmental  
10          disabilities who are traditionally unserved or  
11          underserved (including individuals of ethnic and  
12          racial minority groups, and individuals from un-  
13          derserved geographical areas) including projects  
14          to encourage members of such groups to par-  
15          ticipate in the Developmental Disabilities Pro-  
16          grams authorized under parts B, C, and D, and  
17          increase the involvement of students and profes-  
18          sionals of such groups in the provision of serv-  
19          ices to, supports to, and advocacy for, individ-  
20          uals with developmental disabilities.”;

21          (2) in subsection (b), to read as follows:

22          “(b) APPLICATION AND OTHER GRANT REQUIRE-  
23          MENTS.—No grant may be made under subsection (a)  
24          unless—

1           “(1) an application has been submitted to the  
2       Secretary in such form, in such manner, and con-  
3       taining such information as the Secretary shall by  
4       regulation prescribe and such application has been  
5       approved by the Secretary;

6           “(2) each State in which the applicant’s project  
7       will be conducted has a State plan approved under  
8       section 122;

9           “(3) the application provides assurances that  
10      the human rights of all individuals with developmen-  
11      tal disabilities (especially those individuals without  
12      familial protection) who are receiving services under  
13      projects assisted under this part will be protected  
14      consistent with section 110 (relating to the rights of  
15      individuals with developmental disabilities); and

16          “(4) the Secretary provides to the State Devel-  
17      opmental Disabilities Council in such State an op-  
18      portunity to review the application for such project  
19      and to submit its comments on the application.”;

20          (3) in subsection (c), by striking “Not later”  
21      and inserting “PRIORITIES FOR GRANTS.—Not  
22      later”;

23          (4) in subsection (d)—

1 (A) by striking "Payments under" and in-  
2 serting "GRANT PAYMENTS.—Payments  
3 under"; and

4 (B) by inserting before the period in the  
5 second sentence " , except as otherwise provided  
6 under section 163";

7 (5) by redesignating subsections (b), (c), and  
8 (d) as subsections (c), (d), and (e), respectively;

9 (6) by inserting after subsection (a) the follow-  
10 ing new subsection:

11 "(b) INVESTIGATIONS.—

12 "(1) IN GENERAL.—Not later than October 1,  
13 1993, there shall be a special initiative to support  
14 grants to investigate the expansion of part B activi-  
15 ties to individuals with severe disabilities other than  
16 developmental disabilities. Such investigations shall  
17 be implemented through the following activities:

18 "(A) A national study of State Devel-  
19 opmental Disabilities Councils that are cur-  
20 rently mandated under State law or Executive  
21 order to focus on individuals with disabilities  
22 other than developmental disabilities. Such  
23 study shall be completed not later than June  
24 30, 1995.



1           “(B) Pilot initiatives by not more than five  
2           additional State Developmental Disabilities  
3           Councils, in consultation with and with the sup-  
4           port of the protection and advocacy system and  
5           the university affiliated program in such State,  
6           to study the implications of such expansion in  
7           States in which such Councils are located and  
8           to delineate barriers, opportunities, and critical  
9           issues. Such initiatives shall be completed not  
10          later than January 1996.

11          “(C) A national study of the process and  
12          outcomes of the pilot studies conducted under  
13          subparagraph (B). Such study shall be com-  
14          pleted not later than May 30, 1996.

15          “(2) APPLICATION.—No grant may be made  
16          under this subsection unless an applicant submits to  
17          the Secretary an application, and meets the addi-  
18          tional application requirements, under subsection  
19          (c).”; and

20          (7) by adding at the end thereof the following  
21          new subsection:

22          “(f) LIST OF RECIPIENTS.—Not later than Septem-  
23          ber 1 of each fiscal year, the Secretary shall publish in  
24          the Federal Register a list of the recipients of grants and  
25          contracts in each of the areas authorized in subsections

1 (a) and (b), including a brief description of the project,  
2 and the amount of funds granted to each such project.  
3 The amounts for such grants and contracts shall total the  
4 amount appropriated under this part for such fiscal  
5 year.”.

6 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—Section 163(a) (42 U.S.C.  
8 6083(a)) is amended—

9 (1) by striking “\$3,650,000” and inserting  
10 “\$4,000,000”;

11 (2) by striking “fiscal year 1991” and inserting  
12 “fiscal year 1994”; and

13 (3) by striking “fiscal years 1992 and 1993”  
14 and inserting “fiscal years 1995 and 1996”.

15 (b) LIMITATIONS.—Section 163(b) (42 U.S.C.  
16 6083(b)) is amended to read as follows:

17 “(b) LIMITATIONS.—

18 “(1) PROJECTS OF NATIONAL SIGNIFICANCE.—  
19 At least 8 percent, but in no event less than  
20 \$300,000, of the amounts appropriated pursuant to  
21 subsection (a) shall be used to carry out the provi-  
22 sions of section 162(a)(1)(B).

23 “(2) INVESTIGATIONS.—

24 “(A) IN GENERAL.—The additional au-  
25 thority to fund projects under section 162(b)

1 shall not be construed as requiring the Sec-  
2 retary to supplant funding for other priorities  
3 described in this part.

4 “(B) TIME LINE FOR FUNDING.—If  
5 amounts are available to carry out subpara-  
6 graphs (A), (B), and (C) of section 162(b)(1),  
7 the Administration shall provide funding to  
8 carry out such paragraphs not later than May  
9 1 of the fiscal year in which such funds become  
10 available.

11 “(3) PROGRAMMATIC REVIEWS OR OTHER AD-  
12 MINISTRATIVE ACTIVITIES.—The Secretary may not  
13 use the funds made available under subsection (a)  
14 for programmatic reviews as prescribed by regula-  
15 tion or other administrative activities under parts B,  
16 C, and D.

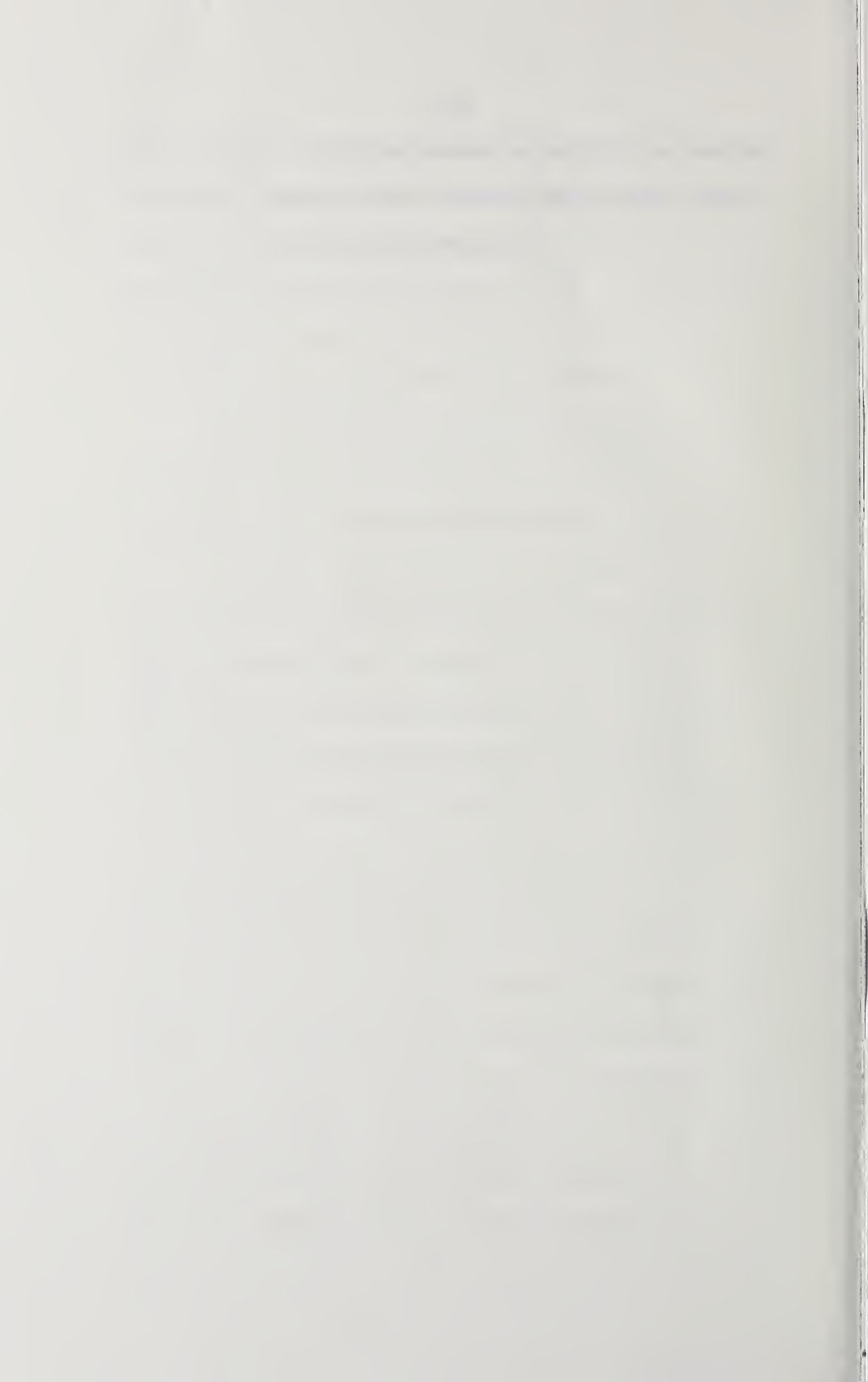
17 “(4) TECHNICAL ASSISTANCE FOR PROTECTION  
18 AND ADVOCACY SYSTEMS.—If technical assistance to  
19 improve the effectiveness of protection and advocacy  
20 systems under part C is provided under section  
21 142(c)(5)—

22 “(A) no funding for the provision of such  
23 technical assistance to protection and advocacy  
24 systems shall be provided under this part; and

1                   “(B) the amount set aside for technical as-  
2                   sistance under section 162(a)(1)(B) shall be  
3                   proportionally reduced.”.











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Calendar No. 178

103D CONGRESS  
1ST SESSION**S. 1284**

[Report No. 103-120]

**A BILL**

To amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

AUGUST 3 (legislative day, JUNE 30), 1993

Reported without amendment